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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION

Julie Swanson, et al.,  
Plaintiffs,

vs.

Case Number 3:19-CV-03220

Murray Bros., LLC, et al.  
Defendants.

and

Margarita A. Martinez  
Plaintiff,

vs.

Case Number 3:20-CV-03083

Jimmie Dale Cox, et al.,  
Defendants.

Remote Videoconference Deposition of Lee Alan Murray  
September 10, 2020

-Video Recorded Remotely by-  
In Demand Video Court Reporting  
216 South Jefferson Street, Suite 103  
Chicago, Illinois 60661

EXHIBIT A

1 APPEARANCES

2  
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4  
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17 For Defendant Piramal Glass USA, Inc:

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19 Tucker Blaser

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APPEARANCES (Continued)

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1 THE RECORDER: Good morning. We are now on  
2 the record, Thursday, September 10th, 2020. The time  
3 is 10:04 a.m. By agreement of all parties, we are  
4 convened via remote videoconference for the  
5 video-recorded deposition in the matters of Julie  
6 Swanson, et al., versus Murray Brothers, LLC, et al.,  
7 and Margarita A. Martinez versus Jimmie Dale Cox, et  
8 al., Case Nos. 3:19-CV-03220 and 3:20-CV-0383 [sic] in  
9 the Central District of Illinois, Central [sic]  
10 Division.

0:00:38

11 This deposition is being recorded by In  
12 Demand Court Reporting, located at 216 South Jefferson  
13 Street, Chicago, Illinois 60661, on behalf of the  
14 plaintiff and being taken at the instance of the  
15 plaintiff. The witness today is Lee Alan Murray.

0:00:51

16 Mr. Murray, my name is Allyson Pritchard, and  
17 I am a notary public and the video recording device  
18 operator for this deposition. At this time, would you  
19 please raise your right hand for the oath?

0:00:59

20 (Witness sworn.)

21 THE RECORDER: All right. Will the attorneys  
22 please state their appearances for the record?

0:01:08

23 MR. DEFFET: Timothy Deffet for Plaintiff  
24 Martinez.

25 MR. DRISCOLL: Sean Driscoll on -- on the

Page 6

1 Swanson -- on behalf of the Swanson Plaintiffs. 0:01:19

2 MR. BLASER: Tucker Blaser --

3 MR. HENDERSON: Nathan --

4 MR. BLASER: Oh, go ahead, Nate.

5 MR. HENDERSON: All right. Nathan Henderson  
6 on behalf of Murray Brothers, LLC, and Jimmie Dale Cox. 0:01:24

7 MR. BLASER: Tucker Blaser on behalf of  
8 Piramal Glass USA, Inc., in both the Swanson and  
9 Martinez matters.

10 MR. WILKE: James Wilke for Larry Murray  
11 Trucking. 0:01:41

12 THE RECORDER: Is that everyone?

13 MR. DEFFET: I -- I believe there's other  
14 people, but I'm not sure they all have to identify  
15 themselves if they're not -- 0:01:54

16 THE RECORDER: Just whoever's on the call  
17 needs to be --

18 MR. DEFFET: Yeah, yeah --

19 THE RECORDER: -- identified.

20 MR. DEFFET: -- Brad, can you identify  
21 yourself, please? 0:02:00

22 MR. WOODSON: Brad Woodson on behalf of  
23 Piramal Glass USA, Inc., for both Swanson and Martinez.

24 THE RECORDER: Okay.

25 MR. TASEFF: Devin Taseff on behalf of Murray

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1 Brothers, LLC, Jimmie Dale Cox, Margarita Martinez. 0:02:11

2 MR. DEFFET: I think we got an echo back.

3 Maybe you guys are too close to each other or someone's

4 too close to someone or -- Devin?

5 Am I the only one that heard that? 0:02:26

6 THE RECORDER: I heard that too.

7 MR. HENDERSON: I don't think Devin's going

8 to be speaking much. Am I coming across okay?

9 THE RECORDER: Yeah, you're coming across. I

10 just need everyone who is here to be identified for the

11 sake of the record. 0:02:37

12 MR. BLASER: I think you --

13 MR. DEFFET: I think --

14 MR. BLASER: -- got everybody.

15 THE RECORDER: Okay.

16 MR. DEFFET: Allyson? Just --

17 THE RECORDER: Yes? 0:02:42

18 MR. DEFFET: -- for -- did she -- oh, sorry.

19 Never mind, never mind. You're --

20 THE RECORDER: Okay.

21 MR. DEFFET: -- the court reporter. I'm

22 sorry. I --

23 THE RECORDER: All right.

24 MR. DEFFET: -- think that's everyone, right? 0:02:49

25 THE RECORDER: That completes the required

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1 information and we can proceed.

2 MR. DEFFET: Okay. Let the record reflect  
3 that this is the agreed deposition of Mr. Lee Murray as  
4 a fact and 30(b)(6) witness for Murray Brothers, LLC,  
5 pursuant to the August 6, '20 agreed notice between the  
6 parties.

0:03:13

7 DIRECT EXAMINATION

8 BY MR. DEFFET:

9 Q. Good morning, Mr. Murray. How are you today?

10 A. Fine, sir. How are you?

0:03:19

11 Q. Good. Okay. My goal is not to drag this  
12 out. I'm going to try to get as much information as  
13 possible, but we do have a lot of stuff to go through.

0:03:26

14 I'm anticipating with my questions and the  
15 other attorneys' questions, this could last somewhere  
16 between three to four hours. Okay?

17 A. Okay.

0:03:37

18 Q. If you need a break at any time, I'm sure  
19 your attorneys told me, just please wait till I finish  
20 asking my questions and answer the last question.

21 All right. You can take a break any time you  
22 want. If you need to use the bathroom, get a drink of  
23 water, please ask me and I'll -- I'll grant it at any  
24 time. Okay?

25 A. Sounds great.

0:03:56

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1 Q. Okay. This -- this -- this case is taken  
2 pursuant to notice, agreed -- according to Federal  
3 Rules of Civil Procedure and Rules of Evidence.

0:04:07

4 As your attorneys probably told you, I know  
5 this is a video deposition, okay, but it's possible  
6 that only a written transcript may be used of this, not  
7 a video, so you have to keep your voice up so the court  
8 reporter can take -- can take this down later on a  
9 written transcript.

0:04:26

10 And even though you are on video, please try  
11 to refrain from shrugging your shoulders, uh-huhs when  
12 you answer a question, because again, even though this  
13 is being videotaped, it may only be used as a written  
14 record later. Okay?

0:04:39

15 A. Yes, sir.

16 Q. Okay. Okay. Could you please state your  
17 full name for the record?

18 A. Lee Alan Murray.

0:04:53

19 Q. What is your home address?

20 A. 500 Murray Place, Desloge, Missouri 63601.

21 Q. What is your business address?

22 A. 3548 Rosener Road, Farmington, Missouri  
23 63640.

0:05:11

24 Q. What was your cell phone number at the time  
25 of this incident in April 2018?

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1 A. 314-422-9644.

2 Q. What is your date of birth?

0:05:24

3 A. 8/14/1959.

4 Q. Did you receive a copy of the deposition  
5 notice in this case?

6 A. Yes, I did.

7 Q. Okay. You've reviewed that?

0:05:39

8 A. No, what -- what are you talking about?

9 (Exhibit No. 1 marked for identification.)

10 BY MR. DEFFET:

11 Q. I'm going to pull it up. I'm going to mark  
12 Exhibit 1, even though it's not marked in advance, as  
13 the August 6, 2020, notice of deposition. I'm going to  
14 pull it up on the screen, okay?

0:05:54

15 A. Oh --

16 Q. Bear with me.

17 A. -- okay, yeah. I -- I probably got that,  
18 yes. I got that.

19 Q. Okay. Can you see this on the screen?

20 Amended Notice --

0:06:01

21 A. Yes.

22 Q. -- of Corporate Deposition?

23 A. Yes, sir.

24 Q. Okay. And you've seen this document before?

25 A. Yes.

0:06:10

Page 11

1 Q. It's three pages?

2 A. Yes.

3 Q. Okay. And you see paragraph 1 here on page  
4 2, under subject matters for inquiry?

0:06:20

5 A. Yes.

6 Q. Okay. And in summary, that talks about the  
7 person most knowledgeable regarding safety procedures  
8 and operations at the time of the collision at the  
9 company?

0:06:31

10 A. Yes.

11 Q. Okay. The person that deals with driver  
12 manuals, company rules, the logs, safety manuals,  
13 safety videos, keeping all of the data from the trucks,  
14 things like that?

0:06:46

15 A. Yes, sir.

16 Q. Okay. Number 2 talks about the hiring  
17 process at Murray Brothers, LLC, including Jimmie Dale  
18 Cox's employment, contract, training, his logs, all  
19 that kind of stuff, right?

0:07:00

20 A. Yes, sir.

21 Q. Okay. Number 3 talks about all maintenance,  
22 inspection, employment, and personnel and payroll files  
23 for the defendant? You read that?

0:07:12

24 A. Yes.

25 Q. Number 4 talks about any and all written

Page 12

1 agreements, contracts, lease agreements, invoices,  
2 letters of understanding, transportation agreements,  
3 broker agreements between all of the parties in this  
4 litigation?

0:07:27

5 Did -- did you review that?

6 A. I have.

7 Q. Okay. So that includes Murray Brothers, LLC,  
8 Larry Murray Trucking, Piramal Glass USA. You -- you  
9 have -- you noted that I'm asking for all those things  
10 between any of those parties. Correct?

0:07:44

11 A. I do.

12 Q. Number 5 is rules and regulations regarding  
13 maintenance, inspection, policy manuals,  
14 correspondence, the reporting of incidents involving  
15 Jimmie Dale Cox?

0:07:59

16 You saw that?

17 A. Yes.

18 Q. And Number 6 is all phone records belonging  
19 or in use by the defendant, Jimmie Dale Cox, on the  
20 date of the occurrence?

0:08:12

21 A. Yes.

22 Q. Okay. Now, I don't want to -- any  
23 conversations with your attorneys, so I'm only  
24 interested really in documents that you've reviewed.  
25 Conversations with your attorneys are privileged.

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1 Okay?

2 So we're going to go through some of the  
3 things that you reviewed today, but what documents did  
4 you review in preparation for this deposition?

0:08:37

5 MR. HENDERSON: I'm going to object to  
6 attorney-client privilege. If you want to limit that  
7 to specific documents, we'll let him answer, but he's  
8 not just going to list off documents that -- that we  
9 shared with him.

0:08:45

10 MR. DEFFET: Yes, he is going to list off  
11 documents, and that's not a privileged question.

12 BY MR. DEFFET:

13 Q. So please answer the question, Mr. Murray.

0:08:51

14 A. I looked over all the stuff in the  
15 discoveries.

16 Q. Okay. What -- I'm not trying to trick you or  
17 anything, but I need to know what you reviewed. So can  
18 we please try to remember what you reviewed in  
19 preparation for this deposition?

0:09:08

20 A. I reviewed like the safety policy, accident  
21 policy, drug policy, invoices, annual inspections,  
22 Jimmie Cox's pay sheets, credit cards from Multi  
23 Service, lease agreements, Piramal Glass transportation  
24 service agreement, accident -- the accident scenes, the  
25 accident reports, Jimmie's file. And the -- yeah, the

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1 traffic report. The crash report.

2 Q. And again, I don't want any conversations  
3 with your attorneys. But you supplied answers to the  
4 discovery in this case and you certified that the  
5 discovery was correct. Right?

0:09:58

6 A. Yes.

7 Q. Okay. And you're the one that gave this  
8 information to your attorneys in the documents.  
9 Correct?

10 A. Yes.

0:10:07

11 Q. Okay. And again, I'm not trying to put words  
12 in your mouth, but I took your brother's deposition,  
13 who's part of the two-member LLC of Murray Brothers,  
14 LLC. Correct?

0:10:17

15 A. I guess you did. Yes.

16 Q. Okay. Sorry. That's a bad question.

17 What I'm trying to say is Lee -- you and your  
18 brother are part of the two-member LLC, Murray  
19 Brothers, LLC, correct?

0:10:32

20 A. We are.

21 Q. Okay. You are the only members, correct?

22 A. Yes. That's true.

23 Q. Okay. Are there any other officers in the  
24 company?

0:10:41

25 A. No, sir.

Page 15

1 Q. Are there any other employees besides the  
2 drivers?

3 A. Yes.

4 Q. Okay. Who are the employees besides the  
5 drivers and you two?

6 A. Janice Neubrand. 0:10:56

7 Q. Okay. She is an employee of the company?

8 A. Yes. She works for Murray Brothers.

9 Q. Okay, okay. Is she paid as an employee or  
10 she just does work for Murray Brothers? 0:11:10

11 A. She does work for Murray Brothers.

12 Q. Is that her only job?

13 A. No. She has an accounting office too.

14 Q. Okay, okay. How many drivers did you have on  
15 the roster in April 2018? 0:11:25

16 A. Eight.

17 Q. Do you -- do you know their names?

18 A. Yes.

19 Q. Okay. Could you list them, please? 0:11:33

20 A. Jimmie Cox, Charlie Heberlie, Dennis White,  
21 Gene Curtman, Terry Moore, Brian Adams. Shit a city  
22 driver. Danny Howlett. And Terry Moore. 0:12:02

23 Q. Okay. A couple of those -- I'm sorry. Could  
24 you -- Charlie Heberlie? Could you -- do you know how  
25 to spell his last name? 0:12:08

Page 16

1 A. H-E-B-E-R-L-I-E.

2 Q. And someone named Howlett?

3 A. Danny Howlett.

4 Q. Could you spell that last name, please?

5 A. H-O-W-L-E-T-T.

0:12:25

6 Q. Are any of these drivers no longer working  
7 for you?

8 A. Yes. Charlie Heberlie is not working for me  
9 and Danny Howlett is no more longer working for me.

10 Q. Okay. What is the reason they're not working  
11 for you anymore?

0:12:41

12 A. Charlie Heberlie went and got him a job at  
13 Walmart and Danny Howlett retired.

14 Q. Thank you. So those topics that I just  
15 mentioned in the notice, would you agree that you're  
16 the person that's most knowledgeable regarding those  
17 matters listed in the notice?

0:13:02

18 A. One of them. Yes.

19 Q. Well, who would be the other person?

20 A. Larry Murray.

21 Q. Okay. So when I took your brother's  
22 deposition, Larry, it seemed like most of the things he  
23 was pointing to you as the person who would have the  
24 most knowledge.

0:13:21

25 Could you tell me what division, if any, is

Page 17

1 there between the duties you have for Murray Brothers,  
2 LLC, and what he has?

3 A. Well, I -- I more run the day to day  
4 operation. He's more into the billing operations. 0:13:38

5 Q. Could you break that down a little bit more?

6 A. Such as what -- what are you asking?

7 Q. Sure. So when you say the day to day versus  
8 billing, can you be a little more detailed as far as  
9 what those job duties are? 0:13:53

10 A. Well, I dispatch the drivers. I get the  
11 return loads. I get the loads going out. Take care of  
12 the -- any problems they have with the trucks or  
13 trailers. Such as that. 0:14:05

14 And he does mostly all the paperwork.

15 Q. Are -- are you -- when you say you do the  
16 dispatch, are you the one actually physically  
17 dispatching the -- the drivers?

18 A. I do. 0:14:17

19 Q. Okay. Have you done that the whole time the  
20 -- the company's been in existence?

21 A. I have not.

22 Q. Were you doing it in April 2018? 0:14:26

23 A. I was.

24 Q. Okay. So you've been designated by Murray  
25 Brothers to speak on its behalf in respect to hiring

Page 18

1 and screening of employees. Correct?

0:14:43

2 A. Yes.

3 Q. You've been designated by Murray Brothers,  
4 LLC, to talk about safety and accident prevention and  
5 reporting?

6 A. Yes, sir.

0:14:53

7 Q. You've been designated by Murray Brothers,  
8 LLC, for this deposition for driver supervision and  
9 inspection of logs?

10 A. Yes.

11 Q. And who designated you to speak on behalf of  
12 Murray Brothers, LLC?

0:15:09

13 A. Who designated me?

14 Q. Yes. I know it sounds like you're a  
15 two-member organization, but did you have a discussion  
16 where you and your brother stated you would be the  
17 person to testify and you are the most knowledgeable?

0:15:24

18 A. No, sir. No, we did not discuss that at all.  
19 They just sent me the deposition and said I had to be  
20 here.

21 Q. Okay. But you agree you are the person most  
22 knowledgeable on the topics listed in the notice, not  
23 your brother?

0:15:37

24 A. Probably a majority of it, yes.

25 Q. Okay. Is there anything in the notice that

Page 19

1 you do not think you have the personal knowledge of the  
2 company?

3 A. Well, when we first started out, he was more  
4 in charge than I was of this stuff.

0:15:52

5 Q. When you first --

6 A. Or during --

7 Q. -- started the company?

8 A. Yes, sir.

9 Q. Okay. Well, let's just say at the time of  
10 this incident in April 2018, were you the person most  
11 knowledgeable regarding the topics listed in the  
12 notice?

0:16:04

13 A. I would say so, yes.

14 Q. Okay. Are there any areas regarding the  
15 hiring and the screening of employees that you are not  
16 knowledgeable about?

0:16:21

17 A. No.

18 Q. Are there any areas regarding safety and  
19 accident prevention and reporting that you are not  
20 knowledgeable?

21 A. Such as what are you asking?

0:16:35

22 Q. Are -- are there any areas you feel you are  
23 not qualified regarding safety and accident prevention  
24 and reporting that you are not knowledgeable about?

25 MR. HENDERSON: I'm just going to object as

Page 20

1 vague.

0:16:46

2 THE WITNESS: I mean, I'm pretty well

3 knowledgeable about it.

4 BY MR. DEFFET:

5 Q. Are there any areas regarding driver

6 supervision and inspection of logs that you are not

7 knowledgeable?

0:16:59

8 MR. HENDERSON: Objection. Vague, calls for

9 speculation.

10 THE RECORDER: I just -- whoever is doing

11 these objections, you're coming up as the phone number,

12 and if you could like say who you are before you do it.

0:17:11

13 MR. HENDERSON: Any objection from the phone

14 number is going to be Nathan Henderson.

15 THE RECORDER: Okay. Thank you.

16 MR. DEFFET: Can you write your name in the

17 thing if it's -- if it's not already done, please?

0:17:23

18 MR. HENDERSON: I don't know if I can or not.

19 MR. DEFFET: You can. Why don't you ask

20 somebody -- you -- you can just write it if it's --

21 unless it's --

22 MR. DRISCOLL: It's there.

23 MR. BLASER: It's there.

0:17:33

24 MR. DRISCOLL: His name's on -- his name's on

25 the screen.

Page 21

1 MR. DEFFET: Oh, that's what I'm trying to  
2 qualify. I don't see it. I see a number. Okay.

0:17:38

3 MR. DRISCOLL: I see it --

4 THE RECORDER: And --

5 MR. DRISCOLL: I see a name.

6 THE RECORDER: And there's a name --

7 MR. DEFFET: Okay, that's --

8 THE RECORDER: -- and --

9 MR. DEFFET: -- all right.

0:17:41

10 THE RECORDER: There's a name and the phone  
11 number, and I'm -- just like when he objects, the phone  
12 number is what comes up.

13 MR. HENDERSON: So we -- we dialed in through  
14 a phone number so that we wouldn't have different audio  
15 feeds coming through at the same time, which is why you  
16 heard the echo earlier, so we're all using --

0:17:54

17 THE RECORDER: Okay.

18 MR. HENDERSON: -- the same phone.

19 THE RECORDER: All right. Got it.

20 MR. DEFFET: Okay. Okay. All right. If --  
21 if she's having a little bit of an issue -- if you  
22 don't mind, maybe you can say Nathan, I'm objecting,  
23 blah, blah, blah?

0:18:11

24 Is that okay with you guys?

25 MR. HENDERSON: I will -- I will try to

Page 22

1 remember that in the future.

2 MR. DEFFET: If -- if not, just don't worry  
3 about it. I'll move on. So I think there's a pending  
4 question.

5 Allyson, can we repeat that question, please? 0:18:22

6 THE RECORDER: Yes. Just give me one second.

7 (Recording replayed.)

8 THE RECORDER: Not far enough. 0:18:43

9 (Recording replayed.)

10 THE RECORDER: Was that it?

11 MR. DEFFET: I think it was the next one  
12 actually.

13 THE RECORDER: Next one? Sure. 0:19:03

14 (Recording replayed.)

15 THE RECORDER: There you go.

16 THE WITNESS: I would say --

17 BY MR. DEFFET:

18 Q. Okay --

19 A. -- no.

20 Q. -- please answer the question.

21 A. No. 0:19:27

22 Q. Okay. Is there anyone else at the company  
23 that has more knowledge about hiring and screening of  
24 employees?

25 A. No.

Page 23

1 Q. Is there anyone else at Murray Brothers, LLC,  
2 that has more knowledge about safety and accident  
3 prevention and reporting?

0:19:45

4 A. Myself and Larry.

5 Q. Is Larry more knowledgeable about safety and  
6 accident prevention and reporting?

7 A. I'd say about 50/50.

0:19:56

8 Q. But you've been designated to answer the  
9 questions today. You believe that you have the  
10 knowledge to do it, correct?

11 A. I hope so.

12 Q. Okay. You said that your brother's  
13 responsible for billing, so that doesn't really seem  
14 like that would be his MO; it would be your MO.  
15 Correct?

0:20:14

16 A. What do you mean by MO?

17 Q. Meaning your job responsibility for Murray  
18 Brothers, LLC, not your brother.

19 A. My job responsibilities, like the day to day  
20 operations and taking care of the drivers and trucks.

21 Yes.

0:20:29

22 Q. Okay. And that includes being knowledgeable  
23 -- the most knowledgeable at the company regarding  
24 safety and accident prevention and reporting. Correct?

0:20:37

25 MR. HENDERSON: Objection --

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1 THE WITNESS: I --

2 MR. HENDERSON: -- asked and answered.

3 Several times --

4 THE WITNESS: I don't know about the most,  
5 but yes.

6 BY MR. DEFFET:

7 Q. Well, if you're not, then should we be  
8 deposing your brother, not you, right now?

0:20:46

9 A. I'm --

10 Q. You --

11 A. No, I mean --

12 Q. -- you've been designated -- you've been  
13 designated --

14 A. I'm -- I -- I --

15 Q. -- to answer the questions. So if you don't  
16 know the answers to these questions, then we should be  
17 deposing your brother.

0:21:05

18 Your brother said he was not responsible for  
19 this.

20 MR. HENDERSON: If we can get on to the  
21 questions, we'll find out if he knows the answers.

22 THE WITNESS: Yes.

0:21:13

23 MR. DEFFET: No. That's not how a -- a  
24 30(b)(6) deposition works. A 30(b)(6) --

25 MR. HENDERSON: He --

Page 25

1 MR. DEFFET: -- deposition -- let me speak.

2 You put them in the notice. It's listed in the notice. 0:21:23

3 And you specifically stated you wanted Lee  
4 Murray to answer these questions. And that's why he's  
5 in the seat right now. So I'm not going to have him  
6 answer questions where he's waffling on whether he says  
7 he's the 30(b)(6). So he needs to answer definitively  
8 that he is the 30(b)(6) as noticed.

9 MR. HENDERSON: Okay.

10 BY MR. DEFFET:

11 Q. So once again, are you the person responsible  
12 for safety and accident prevention and reporting for  
13 Murray Brothers, LLC? 0:21:55

14 A. Yes.

15 Q. And you are the person most knowledgeable for  
16 safety and accident prevention and reporting at Murray  
17 Brothers, LLC.

18 A. Yes. 0:22:04

19 Q. You are the most -- you are the person that  
20 has the most knowledge about driver supervision and  
21 inspection of logs for Murray Brothers, LLC.

22 A. Yes. 0:22:14

23 Q. You have full authority to speak on behalf of  
24 Murray Brothers, LLC, with respect to hiring and  
25 screening of employees.

Page 26

1 A. I do.

2 Q. You have full authority to speak on behalf of  
3 Murray Brothers, LLC, in regard to safety and accident  
4 prevention and reporting.

0:22:29

5 A. Yes.

6 Q. You have full authority to speak on behalf of  
7 Murray Brothers, LLC, with respect to driver  
8 supervision and inspection of logs.

9 A. Yes.

0:22:40

10 Q. You understand that the answers you will give  
11 to these questions will be on behalf of Murray  
12 Brothers, LLC.

13 A. I do.

14 Q. Do you understand that all of the answers you  
15 will give to these questions will represent all of the  
16 information available to Murray Brothers, LLC?

0:22:57

17 A. Yes.

18 Q. You are aware that the answers you will give  
19 to these questions will be binding upon Murray  
20 Brothers, LLC.

21 A. Yes.

0:23:09

22 Q. Do you agree the answers you will give to  
23 these questions will be binding upon Murray Brothers,  
24 LLC?

25 A. Yes.

Page 27

1 Q. Are you fully prepared to speak with respect  
2 to hiring and screening of employees?

0:23:23

3 A. Yes.

4 Q. Are you fully prepared to speak regarding  
5 safety and accident prevention and reporting?

6 A. Yes.

0:23:33

7 Q. Are you fully prepared to speak with respect  
8 to driver supervision and inspection of logs?

9 A. Yes.

10 Q. Okay. Have you testified under oath before  
11 today?

0:23:44

12 A. I have not.

13 Q. You have never given a deposition before?

14 A. I have not.

15 Q. Okay. I know we've briefly touched on this,  
16 but is there anything you don't understand about the  
17 deposition rules that we've gone over?

0:23:57

18 A. Well, I mean, it's the first time I've ever  
19 done anything like this. I've never been in court for  
20 nothing.

21 Q. Okay. That's fair. I'll move on.

0:24:07

22 Are you a member of any professional  
23 organizations?

24 A. What do -- what do you -- well, like what are  
25 you talking about?

Page 28

1 Q. For example, are you aware of the North  
2 American Transport Safety Institute?

0:24:20

3 A. The what now?

4 Q. The North American Transport Safety  
5 Institute?

6 A. No, I'm not a member.

7 Q. Okay. Is Murray Brothers a member?

0:24:33

8 A. No.

9 Q. Okay. Is Murray Brothers a member of the  
10 ATA?

11 A. No, we are not.

12 Q. Who is the certified director of  
13 safety/certified safety supervisor for Murray Brothers,  
14 LLC?

0:24:48

15 A. I guess that would be me.

16 Q. You guess or you are?

17 A. I am.

18 Q. What is your prior work and education before  
19 getting into the trucking industry, if you can briefly  
20 describe to me, please?

0:25:03

21 A. That's basically all I've done all my life.

22 Q. Okay. So have you been driving since --  
23 since how long?

24 A. Since I was 20 years old.

25 Q. Okay. So you obviously have experience as a

Page 29

1 driver before you were an owner of the -- of the  
2 company, correct?

0:25:20

3 A. Yes, sir.

4 Q. Okay. Did you have experience with this  
5 route that the driver, Mr. Cox, took before this  
6 incident happened?

7 A. I have been on it before, yes.

0:25:31

8 Q. Okay. And are you the one that dispatched  
9 him on this route?

10 A. I am that.

11 Q. Okay. And what was the total mileage -- if  
12 he completed his trip, what have been -- what would  
13 have been the total mileage for him for that day?

0:25:43

14 A. 491 miles.

15 Q. And how many hours do you think that would  
16 take?

17 A. That's about a 9-hour trip.

18 Q. Okay. Is that over the hours of service?

0:25:56

19 A. No, sir, it is not.

20 Q. Okay. Do you have training on safety and  
21 certification?

22 A. Well, I have experience. Like I said, I've  
23 been driving since I was 20.

0:26:09

24 Q. Okay.

25 A. Training. I've never been through a training

Page 30

1 course, if that's what you're asking.

2 Q. Yes. So never been through a training or  
3 certification course in safety?

0:26:18

4 A. I have not.

5 Q. Do you have training in accident prevention  
6 or reconstruction?

7 A. I've never been to no training at all, sir.

0:26:28

8 Q. So that's a no?

9 A. That's a no.

10 Q. Okay. Do you have familiarity with the  
11 Federal Motor Carrier Safety Administration?

0:26:36

12 A. I do.

13 Q. Are you familiar with safersys.org?

14 A. With what, sir?

15 Q. Safersys, S-A-F-E-R-S-Y-S, dot org?

0:26:49

16 A. No.

17 Q. Does Murray Brothers, LLC, have a safety  
18 program?

19 A. Yes. We have a safety program.

20 Q. What is the safety program?

21 A. We just have a guideline that -- for policy  
22 in place.

0:27:08

23 Q. And what is that policy?

24 A. It just discussed about accidents and stuff.  
25 Safety.

Page 31

1 Q. Is -- is that a printed document or an oral  
2 policy?

3 A. It's a printed document.

0:27:24

4 Q. Okay. Is that something that you produced in  
5 discovery with -- with your attorneys? Again, I don't  
6 want a discussion. I just want to know if that is a  
7 document you produced.

0:27:32

8 A. Yes, it is.

9 Q. Okay. I'm going to try to see if I can pull  
10 up a few documents here. If you'll bear with me, okay?

11 A. Fine.

0:27:41

12 Q. Give me one second. Can you see this on the  
13 screen, Mr. Murray?

14 A. Yes. I do see that.

0:28:30

15 Q. Okay. This is called Missouri Department of  
16 Transportation Safety Compliance Manual?

17 A. Yes, sir.

18 Q. Is this one of the documents you're talking  
19 about?

0:28:40

20 A. It is.

21 Q. Okay. And is this something that every  
22 driver is given?

23 A. It is.

24 Q. Okay. And do you get a new -- does the  
25 Missouri Department of Transportation produce a new one

Page 32

1 every year?

0:28:55

2 A. Well, we've got a new one from CDL  
3 Consultants. We've got a consulting company that helps  
4 us with our safety now.

5 Q. Okay. That was after the collision?

6 A. No. We had -- we had them before that, sir. 0:29:11

7 Q. Oh, I'm sorry. Okay. Okay. So in 2018, you  
8 had -- who was your safety consultant?

9 A. CDL Consultants out of Libertyville,  
10 Illinois.

11 Q. What did they do for Murray Brothers, LLC? 0:29:27

12 A. They keep an eye on all of our safety, all of  
13 our accidents, logs, make sure the drivers are all --  
14 are okay. They're just a consulting company to help  
15 us. 0:29:40

16 Q. And how long have you used that?

17 A. I think we got them back in 2012, I believe.  
18 2012, 2013.

19 Q. Okay. I haven't seen them mentioned in  
20 discovery answers. So are there -- are you saying  
21 they're the ones that helped you distribute this --  
22 this safety manual to your drivers? 0:30:09

23 A. Yes. They have -- they have printed safety  
24 manuals for us to give to our drivers. Yes. They  
25 have. In the past.

Page 33

1 Q. Okay. So this -- this one --

2 A. This one -- one you -- the one you showed me  
3 was back in 2011, I believe. 2011 --

0:30:27

4 Q. This one -- I -- I think there's another one.  
5 I'm going to show you this one first. But this one  
6 says June 2017 --

7 A. Oh, I --

8 Q. -- you see that on there, right?

0:30:34

9 A. We had one before that. I believe it was a  
10 2011.

11 Q. Okay. I'm going to pull another one up in a  
12 second, but this -- this manual from June 2017 is one  
13 that you produced in discovery. It's 151 pages.  
14 Right?

0:30:47

15 A. Yes. Yes.

16 Q. Okay. And how many years were you giving  
17 this manual out?

18 A. Oh, we probably gave that out about two or  
19 three years.

0:31:01

20 Q. Okay. So in 2018, did you not give a new  
21 manual to the drivers?

22 A. They would've been -- it would've been from  
23 -- they probably had the same one.

24 Q. Okay. So for the year --

0:31:17

25 A. And we don't give -- we don't give them a

Page 34

1 safety manual every year.

2 Q. Okay. But a new one's printed every year  
3 with new regulations, right?

0:31:26

4 A. Well, they get a -- they get one when they  
5 come to work and that's usually the one they have.

6 Q. Yeah, but what I'm saying is there's new  
7 regulations, and you're supposed to get a new manual  
8 every year to give to your drivers and yourself, right?

0:31:38

9 A. I guess. Yes.

10 Q. You guess, or is that correct?

11 A. That's correct.

12 Q. Okay. Is there a reason why you didn't get a  
13 new one for 2018?

0:31:53

14 A. Not that I know of.

15 Q. Did CDL -- what is the name of the company  
16 again?

17 A. CDL Consultants.

18 Q. Did they give you one for 2018?

19 A. Yeah, I mean, they usually print us one and  
20 give them to -- we give them to the drivers, yes. It's  
21 not -- it's not -- nothing as big as that one there.

0:32:13

22 Q. Okay. I'm going to bring up another document  
23 here, so bear with me. I think that's the one you were  
24 talking about.

25 Okay. So this is the other one, and I

Page 35

1 believe this is the one -- it's 146 pages. And it's --  
2 I think it was described as from 2011, but I'm trying  
3 to see if there's actually a date listed on it.

0:32:59

4 I'm sorry. I'm just scrolling through here  
5 quickly to see if there's a date on it, but --

6 A. Well, I think if you look down there on the  
7 -- on the front page, you see that log book down there?  
8 It was 2011. Right there.

0:33:16

9 Q. Oh, okay. I'm sorry. So you can see where  
10 I'm scrolling right now with the mouse?

11 A. Yes, sir.

12 Q. That's where you're talking about?

0:33:23

13 A. Yes, sir.

14 Q. Okay. So it says January 15, 2011?

15 A. Exactly.

16 Q. Okay. Do these come out the same time every  
17 year or they come out at different times?

0:33:33

18 A. Probably different times.

19 Q. Okay. Do they come out every six months?

20 A. I guess once a year.

21 Q. Once a year? Okay. So one was June 2017,  
22 but this one's January 2011.

0:33:50

23 A. Yes.

24 Q. Okay. These are the only -- only two safety  
25 manuals that were provided in discovery. Are these the

Page 36

1 only safety manuals that you still have? 0:34:04

2 A. Yes, it is.

3 Q. Okay. You don't have any more?

4 A. None that big, no. We have some from CDL

5 Consultant that's printed off to us. I give to the

6 drivers and they've signed and said they received. 0:34:18

7 Q. Okay. So did Jimmie -- which -- which manual  
8 did Jimmie Dale Cox have?

9 A. Well, he would've had both of them too.

10 Q. The June 2011 and June 2017? 0:34:31

11 A. Yes, sir.

12 Q. Okay. Those are the two manuals that he had?

13 A. Yes, sir.

14 Q. You didn't have any other manuals?

15 MR. HENDERSON: Objection. Objection.

16 Mischaracterizes testimony. It's Nathan. 0:34:44

17 BY MR. DEFFET:

18 Q. Did -- did he have any other manuals besides  
19 June 2017, June 2011, Missouri Department of  
20 Transportation?

21 A. He got some from CDL Consultants, sir. 0:34:56

22 Q. Okay. Well, why haven't those been produced  
23 in discovery then?

24 A. I thought they was in there.

25 THE WITNESS: Wasn't they in the binder

Page 37

1 there?

0:35:06

2 MR. HENDERSON: No -- well --

3 THE WITNESS: No.

4 BY MR. DEFFET:

5 Q. These are the only two manuals that were  
6 provided in discovery. You're saying there's  
7 additional manuals that were provided to Jimmie Dale  
8 Cox?

0:35:16

9 A. Well, it's some that I got from CDL  
10 Consultants.

11 Q. Do they just email you a PDF and then you're  
12 responsible to print it out?

13 A. Yes.

14 Q. Okay. Are you printing out hundreds of pages  
15 and giving them to each driver all the time?

0:35:31

16 A. They're -- like I told you long ago, they're  
17 not that thick. They're just updated.

18 Q. Oh, you're just saying there's updated pages?

19 A. Yes.

0:35:43

20 Q. Okay. Well, June 2011 and '17 are both about  
21 140 pages, though.

22 A. What --

23 MR. HENDERSON: What -- what's the question,  
24 Counselor?

0:35:54

25 THE WITNESS: Yeah.

Page 38

1 MR. DEFFET: I -- I'm just trying to figure  
2 out what exactly has been produced, because the only  
3 two manuals I got were 140 pages for June 2017 and  
4 about the same for June 2011.

0:36:05

5 So if there's -- if there's amendments or  
6 only a few pages, why weren't they produced in  
7 discovery?

8 MR. HENDERSON: We will certainly go back and  
9 look and see if we have any amendments. We had not  
10 found those in -- in review of the documents.

0:36:22

11 We've given you what we have. So if we have  
12 them, we will give them to you.

13 MR. DEFFET: Well, we're taking his  
14 deposition now and we've been in litigation for a long  
15 time, but I'll move on.

0:36:33

16 BY MR. DEFFET:

17 Q. So are you keeping these documents, Mr.  
18 Murray?

19 A. Yes. We keep these documents.

20 Q. Where do you keep --

21 A. We --

22 Q. -- them?

0:36:41

23 A. We keep the safety manuals in a file cabinet.

24 Q. Do you keep them on a computer?

25 A. No, sir. We don't do very much stuff by

Page 39

1 computers.

2 Q. Okay. So all the safety manuals you had were  
3 kept in a file cabinet?

0:36:58

4 A. Yes, sir.

5 Q. Okay. Why were they not provided to your  
6 attorneys? Again, I don't want a discussion. I just  
7 want to know why you didn't provide these other manuals  
8 to your attorneys.

0:37:07

9 MR. HENDERSON: I -- I think there may be a  
10 -- a difference in language here. When -- when you're  
11 saying manuals, he's referring to these two that he has  
12 in front of him.

0:37:16

13 MR. DEFFET: Yeah, they're --

14 MR. HENDERSON: Those --

15 MR. DEFFET: -- safety manual.

16 MR. HENDERSON: Right. But he believes -- I  
17 don't think he's incorporating these updates in your  
18 definition of manuals.

0:37:25

19 So if we could -- if we could just clear that  
20 up for him, maybe he could give you better answers.

21 MR. DEFFET: There's no clearing up. It's a  
22 safety manual. I'm using the correct term.

0:37:33

23 BY MR. DEFFET:

24 Q. So why did you not provide the other safety  
25 manuals to your attorneys?

Page 40

1 A. I guess I'm -- we have the big ones.

0:37:41

2 Q. Okay. So those are the only two that you had  
3 in the cabinet.

4 A. Yes.

5 Q. Those were the only two you had in your  
6 possession.

7 A. Yes.

0:37:49

8 Q. You did not provide Jimmie Dale Cox with any  
9 other manuals besides June 2011 and June 2017.  
10 Correct?

11 A. That's the ones he has. That's correct.

0:37:59

12 Q. Okay. How many states does Murray Brothers  
13 operate in?

14 A. Forty-eight states.

15 Q. What are the number of employees working  
16 full-time in the area of hiring and screening of  
17 employees?

0:38:13

18 A. The number of employee -- it would just be  
19 myself.

20 Q. Okay. What are the number of employees  
21 working full-time in the areas of safety and accident  
22 prevention and reporting?

0:38:26

23 A. It would be -- be myself.

24 Q. What are the number of employees working  
25 full-time in the areas of driver supervision and

Page 41

1 inspection of logs?

2 A. Myself.

0:38:37

3 Q. Can you describe how at Murray Brothers, LLC,  
4 the organization of hiring and screening of employees  
5 happens?

6 A. Well, when somebody's looking for a job, I  
7 take their information down, send it to our insurance  
8 company, PJC Insurance Company.

0:38:59

9 They run their MVR, which takes about 48  
10 hours. They will call me back and ask if it's okay to  
11 hire them. If it is, I will give them an application.

0:39:12

12 They will fill out their application. I will  
13 go over it. I'll usually make a couple phone calls to  
14 their other employees and set down and have a talk with  
15 them. And if they seem to be okay, we will hire them.

0:39:25

16 Q. Okay. I'm sorry. Who did you say you get  
17 the MVR from?

18 A. PG- -- PJC Insurance Agency out of  
19 Springfield, Missouri.

20 Q. Is that your broker?

21 A. Yes, it is.

22 Q. Was that your broker in 2018?

0:39:45

23 A. It was.

24 Q. How many policies of -- of insurance do you  
25 have with PJC in 2018?

Page 42

1 A. How many what, sir?

0:39:54

2 Q. Sorry. That was a bad question. How many  
3 policy -- policies of insurance did you have with PJC  
4 in the year 2018?

5 A. Well, we would've just had the one policy.

0:40:08

6 Q. What policy?

7 A. Their insurance policy was Progressive. I  
8 guess that's what you're asking.

9 Q. So that's one policy. What -- what was the  
10 amount of the policy?

0:40:19

11 A. It was a million dollar policy. Is that what  
12 you're asking?

13 Q. I'm asking any and all insurance policies you  
14 had in 2018 for the business.

0:40:31

15 A. It would've been one.

16 Q. Okay. So that's the only one.

17 A. Yes, sir.

18 Q. Okay. You did not have any excess or  
19 umbrella insurance policies.

0:40:41

20 A. No, sir, we did not.

21 Q. Can you describe the organization of the  
22 safety and accident prevention and reporting at Murray  
23 Brothers, LLC?

24 MR. HENDERSON: Objection. Vague.

0:40:57

25 THE WITNESS: Rephrase the question, please.

Page 43

1 I mean, I don't -- what are you asking? How do --

2 BY MR. DEFFET:

3 Q. Sure.

4 A. -- we report an accident?

0:41:03

5 Q. Sure. I'm asking how at Murray Brothers, LLC

6 -- how is safety and accident prevention and reporting

7 organized within the company?

0:41:14

8 MR. HENDERSON: Same objection.

9 THE WITNESS: I don't -- I don't know what

10 he's asking.

11 MR. HENDERSON: Yeah, I'm not real clear what

12 you're asking either, Counselor. If you could clear --

0:41:24

13 THE WITNESS: I don't --

14 MR. HENDERSON: -- that up.

15 THE WITNESS: I don't know what he --

16 MR. DEFFET: What -- what is not clear about

17 the question?

0:41:29

18 THE WITNESS: I don't know what --

19 MR. HENDERSON: If I knew what was --

20 THE WITNESS: What are you --

21 MR. HENDERSON: -- not clear about it --

22 THE WITNESS: -- what are you asking about?

23 I mean what are you --

0:41:35

24 BY MR. DEFFET:

25 Q. You just answered this question about hiring

Page 44

1 and screening of employees. I'm asking the same  
2 question now about safety and accident prevention and  
3 reporting for Murray Brothers, LLC.

0:41:44

4 How is it organized at Murray Brothers, LL-  
5 -- strike that. I'll ask it differently.

6 How is safety and accident prevention and  
7 reporting organized at Murray Brothers, LLC?

0:41:55

8 MR. HENDERSON: Same objection. I think  
9 that's the same words you used before.

10 BY MR. DEFFET:

11 Q. You have to answer the question unless your  
12 -- your attorney directs you not to.

0:42:05

13 MR. HENDERSON: You can answer the question  
14 if you understand it. Don't answer --

15 THE WITNESS: I --

16 MR. HENDERSON: -- a question you don't  
17 understand.

18 THE WITNESS: I do not understand what he's  
19 asking. I don't know what -- I don't know what he's  
20 asking.

0:42:14

21 BY MR. DEFFET:

22 Q. What do you not understand?

23 A. Well -- well, how am I going to report an  
24 accident with a driver? Is that what you're asking?

0:42:22

25 Q. Is that your full knowledge of safety and

Page 45

1 accident prevention and reporting for Murray Brothers,  
2 LLC?

3 A. I would say so, I guess. I don't really  
4 understand what you're saying.

0:42:33

5 Q. Okay. How -- how -- in your company at  
6 Murray Brothers, LLC, you spoke earlier, and we went  
7 through very detailed questions about safety and  
8 accident prevention and reporting. You remember that,  
9 right?

0:42:48

10 A. Yeah.

11 Q. Okay.

12 A. I'm talking about reporting and a -- when a  
13 driver has an accident.

14 Q. No. That's not all I'm talking about. I'm  
15 talking about safety accident prevention and reporting.  
16 Do you understand now?

0:43:03

17 A. We have an accident policy in place.

18 Q. Okay. Yeah, that's -- I'm -- I'm trying to  
19 figure out -- I'm not trying to trick you. I'm trying  
20 to figure out what are you doing in accident prevention  
21 and reporting at your company, Murray Brothers, LLC?

0:43:19

22 MR. HENDERSON: Objection. Vague.

23 THE WITNESS: We just have them to sign a  
24 policy, have them to read a policy and then sign it and  
25 make sure they went through the policy that we have in

Page 46

1 place.

0:43:31

2 The guidelines and -- and the -- the company  
3 policies we have in the guidelines. That we have --

4 BY MR. DEFFET:

5 Q. So how much --

6 A. -- in place.

0:43:37

7 Q. -- time -- how much time do you spend on  
8 safety accident -- safety and accident prevention at  
9 Murray Brothers, LLC?

10 MR. HENDERSON: Objection. Vague.

0:43:48

11 THE WITNESS: You mean do we have a training  
12 thing or something?

13 BY MR. DEFFET:

14 Q. How much time do you spend on safety and  
15 accident prevention training at Murray Brothers, LLC?

0:43:58

16 MR. HENDERSON: Are you talking about him  
17 personally, him with the drivers?

18 MR. DEFFET: Stop --

19 MR. HENDERSON: Him with --

20 MR. DEFFET: -- the speaking objections,  
21 please. If you --

22 MR. HENDERSON: Okay --

23 MR. DEFFET: -- have a valid objection, put  
24 it forward. Otherwise, let him answer the question.

0:44:08

25 MR. HENDERSON: Objection. Vague. Compound.

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1 THE WITNESS: I don't really understand the  
2 question you're asking, sir. I don't really know how  
3 to answer it.

0:44:17

4 BY MR. DEFFET:

5 Q. How much time do you spend at Murray  
6 Brothers, LLC, working on safety and accident  
7 prevention?

8 MR. HENDERSON: Same objections.

0:44:27

9 THE WITNESS: I mean, we talk -- we -- we  
10 have discussions about it. I talk to my drivers every  
11 day.

12 BY MR. DEFFET:

13 Q. Okay. Tell me the complete program you have  
14 for safety and accident prevention.

0:44:40

15 MR. HENDERSON: Same objections.

16 THE WITNESS: I don't really know how to  
17 answer that.

18 BY MR. DEFFET:

19 Q. Okay. You don't know how to answer that.

0:45:02

20 A. No, sir.

21 Q. Okay. Describe how Murray Brothers, LLC, is  
22 organized to deal with driver supervision and  
23 inspection of logs.

24 A. I go through their logs once a month.

0:45:21

25 Q. Is once a month enough under the federal

Page 48

1 rules?

2 MR. HENDERSON: Objection --

3 THE WITNESS: As --

4 MR. HENDERSON: -- calls for a legal

5 conclusion.

0:45:29

6 THE WITNESS: As far as I know, yes.

7 BY MR. DEFFET:

8 Q. That's your understanding, that you only have

9 to check the driver logs once a month?

0:45:38

10 A. Yes.

11 Q. What else do you know about the driver logs?

12 MR. HENDERSON: Objection. Vague.

13 BY MR. DEFFET:

14 Q. What do you know about keeping driver logs

15 and what your responsibilities are and your drivers'

16 responsibilities are under federal and state law?

0:45:55

17 THE WITNESS: I don't understand what he's

18 saying.

19 MR. HENDERSON: Object to vague again. He --

20 he doesn't understand the question.

21 MR. DEFFET: If this line continues, I'll

22 probably move that he be redeposed. Just so you're

23 aware. I think that question's pretty clear.

0:46:20

24 BY MR. DEFFET:

25 Q. What is your understanding of your

Page 49

1 responsibility --

2 A. I check and make sure they don't go over -- I  
3 mean, they do their logs right, they're done -- they  
4 don't go over their 70-hour week.

0:46:31

5 They take their 10-hour breaks. They do  
6 their inspections in the morning, 15-minute  
7 inspections. Make sure they have their fuel -- their  
8 fuel stops down and they log their fuel stops.

0:46:47

9 They take their sleeper berths. I mean, that  
10 -- I mean, if that's what you're asking, that's what I  
11 check.

12 Q. Yes. I want to know your full breadth of the  
13 knowledge you have regarding what your responsibility  
14 is with your drivers on the road.

0:47:01

15 A. They have to take a 10-hour break. They have  
16 to -- they have to do a pre-trip inspection every  
17 morning. They have to show their fuel stops.

0:47:10

18 They have to show loading and unloading.  
19 They have to show swapping trailers. Down on line 4.

20 Q. Why do they have to take a 10-hour break?

0:47:20

21 A. After 11 hours of driving. Oh, well, they  
22 have to take a break in between the 11 hours. They  
23 have to take a 30-minute break and then -- but they get  
24 to drive 11 hours.

0:47:31

25 Q. What are they required to look for in a

Page 50

1 pre-trip inspection report?

2 A. They need to a walkaround inspection. Tires,  
3 brakes, air lines. Oh. Steering axle. Stuff as --  
4 stuff as like this. Lights.

0:47:49

5 Just a -- just a walkaround every morning  
6 before they start driving. Make sure everything --  
7 windows. Everything's -- clean windows, clean mirrors.

0:48:03

8 Q. Did Jimmie Dale Cox have any violations in  
9 2013 working for Murray Brothers, LLC?

10 A. Violations such as what, sir? Any kind?  
11 What are you talking about?

0:48:20

12 Accidents? Tickets? Violations of what,  
13 sir?

14 Q. My question is clear. Please answer the  
15 question.

16 A. Did he have any violations in 2013 is what  
17 you're asking.

0:48:36

18 Q. Correct.

19 A. He could've had a -- he could've had a  
20 logbook violation.

21 Q. He did have --

22 A. I don't --

23 Q. -- a logbook violation?

0:48:52

24 A. I don't -- I really do not recall back in  
25 2013, sir.

Page 51

1 Q. Okay. Did he have any other violations in  
2 2013?

3 A. Not that I recall. That's seven years ago.

4 Q. Okay. But you are the corporate  
5 representative for Murray Brothers, LLC, so you  
6 understand you're required to review documents to  
7 prepare, right?

0:49:16

8 A. I can review documents. That don't mean I'm  
9 going to remember everything that happened seven years  
10 ago.

11 Q. That's -- that's fair. You're free to review  
12 any documents you have right now. If you want -- if  
13 you want help.

0:49:27

14 Is there anything that would help you answer  
15 the question?

16 MR. HENDERSON: Give us two minutes. We'll  
17 look and see if -- if we have anything on 2013,  
18 Counselor.

19 MR. DEFFET: Okay. I'll -- I'll point to a  
20 few things.

0:49:36

21 BY MR. DEFFET:

22 Q. So it looks like he was pulled over in March  
23 6, 2013, for an inspection. Do you recall anything  
24 about that?

25 A. I believe I did see something in there about

Page 52

1 that, yes. Maybe. I don't know. I don't remember.

2 It was 2013.

0:49:54

3 But -- but yeah, he probably got an  
4 inspection. That happens quite often.

5 Q. Okay. Give me one second. Let me see if I  
6 can find it, okay? I'm not trying to trick you, but --

0:50:03

7 A. We do get --

8 Q. -- let's see if I can --

9 A. -- we do get -- we do get roadside  
10 inspections, yes. And it's very common.

0:50:09

11 Q. Okay. Give me one --

12 A. Part of his --

13 Q. -- second --

14 A. -- job.

15 Q. -- let me see if I can find the page, okay?

16 And --

17 A. Okay.

18 Q. -- I'll share. Do you recall Jimmie Dale Cox  
19 having any air leak violations, being pulled over  
20 driving your trucks, before this incident?

0:50:41

21 A. I'm saying it's very possible. I don't  
22 recall right offhand, no, I do not recall, but it's  
23 very possible it could've happened.

0:50:53

24 Q. Okay. So you think it did happen?

25 A. I said it's possible it could happen, yes.

Page 53

1 Q. Okay. Bear with me. Okay. Page 40 on

2 Jimmie -- on Jimmie Dale Cox's personnel file. I'm

3 going to share it right now. Okay?

0:51:31

4 A. Yes, sir.

5 Q. Are you able to view that on the screen okay?

6 A. Yes. I see it now. Yes, sir.

7 Q. Okay. Do you recognize this document?

0:51:44

8 A. Yeah, I mean, it's a -- it's a safety

9 inspection for the State of Missouri.

10 Q. Okay. And what do you see where I'm

11 scrolling here? What does that say in the violations

12 area?

0:51:58

13 A. Air leak from service valve between truck 2

14 and 3. Axles 2 and 3 and -- he looks like he had an

15 air leak on the tractor.

16 Q. It says audible air leak from service valve

17 between axle 2 and 3, right?

0:52:12

18 A. Yes, sir. Uh-huh. There's 20 10 axle on the

19 tractor, yes, sir.

20 Q. Okay. He also listed an unsecured fire

21 extinguisher. Correct?

22 A. I see that, yes, sir.

0:52:21

23 Q. And also that the left and right stop lamps

24 were inoperative?

25 A. I see that, yes, sir.

Page 54

1 Q. Okay. Is it true that the -- the stop lights  
2 were inoperative when it -- found by the Illinois State  
3 Police for this violation on April 29, '18?

0:52:36

4 A. Rephrase, sir? What'd you say?

5 Q. Sure. Is it true that when you had this  
6 incident with Jimmie Dale Cox on April 29, '18, that's  
7 the subject of this lawsuit, the air -- the lamps were  
8 not working also and that was stated in the police  
9 report?

0:52:54

10 A. I never seen nowhere in the police report on  
11 -- on April 29th that he had no brake lights. I seen  
12 that nowhere. That was --

0:53:07

13 Q. You don't remember that?

14 A. Where did you -- no, sir. Where did you see  
15 that at?

16 Q. The police report.

17 A. On the police report it said that his brake  
18 lights wasn't working?

0:53:16

19 Q. You're -- you're the one answering the  
20 questions here. I'm not supposed to answer the  
21 questions. Do you recall if there was a violation of  
22 the --

0:53:23

23 A. No, I --

24 Q. -- blinkers or the --

25 A. -- don't recall.

Page 55

1 Q. -- brake lights from the April 29, 2018,  
2 incident with Mr. Cox?

3 A. No, sir, I do not recall that. 0:53:33

4 Q. Okay. Did you review the police report?

5 A. I -- I did, and I did not see that.

6 Q. Okay. I also want to show you more of the  
7 personnel file here. 0:53:46

8 Do you recall him having hours of service  
9 violations in July 23, 2013?

10 MR. DRISCOLL: Tim, can you do me a favor?  
11 Can you just identify the Bates stamp number that  
12 you're referencing for the record when we're talking  
13 about the exhibits, please? Thanks. 0:54:03

14 MR. DEFFET: Yeah, the -- the last one was  
15 40, which was the personnel file, page 40, and I did a  
16 share on it. I'm pulling it up right now again. Can  
17 you see that? 0:54:11

18 It wasn't Bates stamped, I don't think, but  
19 it's page 40 of the PDF of 128 pages, which was  
20 Attachment 1 on Jimmie Dale Cox's personnel file  
21 tendered to me in discovery. 0:54:23

22 MR. DRISCOLL: Yeah, I just wanted -- if  
23 there are Bates stamp numbers, just because I'm flying  
24 around, if you could do that, I'd appreciate it. 0:54:28

25 MR. DEFFET: Sure. I -- I -- honestly I

Page 56

1 don't think there's any Bates stamps on this document.

2 MR. DRISCOLL: Okay.

3 MR. DEFFET: But everyone sees this on the

4 screen right now, right?

0:54:36

5 MR. HENDERSON: Yes.

6 MR. DEFFET: Correct?

7 THE WITNESS: I do.

8 MR. DEFFET: Sean, can you see this on the

9 screen?

10 THE RECORDER: It's there.

11 MR. DRISCOLL: Yeah, I've got it.

0:54:46

12 MR. DEFFET: Okay, okay. All right. I'm  
13 going to go to July 23rd, '13, which is the next page,  
14 page 41 of the 128-page Jimmie Cox personnel file.

0:55:00

15 BY MR. DEFFET:

16 Q. Can you see this on the screen, Mr. Murray?

17 A. Yes, I do.

18 Q. Okay. And this is for Jimmie Dale Cox,

19 right?

0:55:08

20 A. Yes, it is.

21 Q. He was employed by you on this date, correct?

22 A. This is correct.

23 Q. Okay. And there's a number of violations  
24 listed here, correct?

0:55:19

25 A. I see that. Yes.

Page 57

1 Q. It looks like there's a driving beyond eight  
2 hours, there is a record duty status violation,  
3 multiple record duty status violations. Under 395.8  
4 and 395.3A3, correct?

0:55:37

5 A. Yes, sir.

6 Q. Do you recall this time period?

7 A. I do now.

8 Q. Okay. And what was going on at that time?

0:55:46

9 A. Well, he looks like he had some logbook  
10 violations there.

11 Q. Okay. So after this date, did you start  
12 following his logging more closely?

13 A. I did.

0:55:58

14 Q. Okay. If you're following the logs once a  
15 month, you -- you did not know that he was not keeping  
16 his logs on July 23rd --

17 A. I --

18 Q. -- 2013?

0:56:08

19 A. I -- I had a talk with him about it, yes.

20 Q. What was the --

21 A. Anytime --

22 Q. -- talk about?

23 A. I'm telling him he's going to get his  
24 logbooks better or he won't be working there.

0:56:17

25 Q. Was he assigned any points under your policy

Page 58

1 that you had?

2 A. I believe he got two points from just the  
3 company policy. One or -- I think it was one point.

4 Q. What is your policy on points? 0:56:33

5 A. Oh, I'd have to go back and look, but I can't  
6 remember right offhand.

7 Q. You don't remember what it is right now?

8 A. No, sir. 0:56:44

9 Q. Do you remember what it was in 2018?

10 A. It would be the same as it was.

11 Q. Same as it was what?

12 A. It would've been the same as in '13. 0:57:01

13 Q. Okay. What was it in '13?

14 A. The same as it would be in 2018. It's the --

15 Q. What --

16 A. -- same policy.

17 Q. -- is the policy, Mr. Murray? 0:57:11

18 A. I --

19 THE WITNESS: The logbook -- what's he  
20 talking about?

21 MR. HENDERSON: You can look at the policy  
22 and -- and you can refer to the policy. 0:57:24

23 BY MR. DEFFET:

24 Q. What is your safety policy for --

25 A. Just --

Page 59

1 Q. -- points --

2 A. -- a second.

3 Q. -- at work?

4 THE WITNESS: It would be in -- it's in that  
5 binder, isn't it?

0:57:33

6 BY MR. DEFFET:

7 Q. Here. I'll pull something up. I have four  
8 pages that are listed as company vehicle policy. Give  
9 me one second, okay?

0:57:43

10 A. Yes, sir.

11 MR. HENDERSON: (INAUDIBLE)

12 THE WITNESS: I think it's in the very front  
13 of them binders.

14 MR. HENDERSON: Okay.

0:57:55

15 (Exhibit No. 2 marked for identification.)

16 BY MR. DEFFET:

17 Q. I got it, I think. Hold on. Okay, so this  
18 is page 45 of the same document. I'm going to identify  
19 this as Exhibit 2 for the deposition.

0:58:13

20 This is Jimmie Dale Cox's personnel file.  
21 It's 128 pages provided by Murray Brothers, LLC with  
22 their production response. On page 45, it starts  
23 Company Vehicle Policy with, in parentheses, General  
24 Guidelines, and then it goes on to page 48 and it  
25 stops.

0:58:35

Page 60

1           So it's actually one, two, three pages and  
2   then at the fourth page, Jimmie Dale Cox signs it on  
3   January 12, 2013. Right?

4           A.    Yes, sir.

0:58:47

5           Q.    Okay. So why was Jimmie Dale Cox signing  
6   this in January 12th, 2013?

7           A.    Why was he signing it?

8           Q.    Yes.

9           A.    Because we had just probably put it in place  
10   at the time from CDL Consultants.

0:59:05

11          Q.    Okay. So is this the first time your policy  
12   came into effect?

13          A.    Probably this policy here, yes, sir.

14          Q.    Okay.

15          A.    From before -- from before the safety policy,  
16   sir.

0:59:21

17          Q.    Was -- was this --

18          A.    Safety --

19          Q.    -- the policy --

20          A.    -- safety -- the safety manuals.

21          Q.    I'm sorry. I didn't mean to cut you off. Go  
22   ahead?

23          A.    I said we had the safety manual back in 2011.

0:59:33

24          Q.    Okay. But this is your specific policy for  
25   Murray Brothers, LLC, right?

Page 61

1 A. Yes, sir. That's after we hired CDL  
2 Consultants.

3 Q. Okay. So this came into effect in 2013? 0:59:46

4 A. Yes, sir.

5 Q. Okay. And so on page 2 -- do you have it in  
6 front of you now?

7 A. Yes. I'm -- yes. 0:59:56

8 Q. On page 2, it talks about disqualification  
9 standards, which is page 4 of Exhibit 2, the Jimmie  
10 Dale Cox personnel file. You see that, right?

11 A. Yes. 1:00:11

12 Q. And it says individuals who receive  
13 violations of six or more points within 36 months lose  
14 the right to drive a company vehicle. Correct?

15 A. Correct. 1:00:21

16 Q. Okay. Did you ever take away Jimmie Dale  
17 Cox's right to drive a company vehicle?

18 A. I did not.

19 Q. Are you -- did Jimmie Dale Cox ever get six  
20 points within 36 months? 1:00:38

21 A. Not that I remember.

22 Q. So for the March 6th, '13 violations that  
23 were listed that we just went over, how many points  
24 would he be assessed for that? 1:00:56

25 MR. HENDERSON: Object to the relevance of

Page 62

1 the 2013 incident.

2 THE WITNESS: I don't even see where 2 points  
3 violations -- I see where he would not have been  
4 assessed no points at all from just getting a -- a DOT  
5 inspection on the side of the road.

1:01:27

6 BY MR. DEFFET:

7 Q. But it wasn't just a DOT inspection. He was  
8 assessed with a violation of an --

9 A. right --

10 Q. -- audible air leak coming from axle 2 and 3,  
11 an unsecured fire extinguisher, and the left and right  
12 stop lamps were inoperative. Correct?

1:01:42

13 A. Yes. That was all fixed at the time.

14 Q. It wasn't fixed when he was pulled over at  
15 the inspection, correct?

16 A. He did not receive a ticket, sir.

1:01:53

17 Q. He was cited for these violations on this  
18 date, correct, on March 6th, 2013?

19 A. He was stopped for them, but he never  
20 received a ticket.

21 Q. So under your policy, he would be assessed no  
22 points for these violations that were listed by the  
23 Missouri State Highway Patrol.

1:02:12

24 A. I see on this policy -- I don't see nowhere  
25 it would've been, no, sir.

Page 63

1 Q. Okay. Is there a reason why these violations  
2 would not be listed as gaining points under your policy  
3 for Murray Brothers, LLC?

1:02:25

4 A. Because they're -- I -- I would not know that  
5 -- I don't really know, sir.

6 Q. Okay. Don't you think that these things are  
7 dangerous if someone's operating your trucks on the  
8 road and these violations have occurred?

1:02:35

9 MR. HENDERSON: Object to form.

10 THE WITNESS: I'm sure it's not real safe.  
11 Yes.

12 BY MR. DEFFET:

13 Q. Okay. So why doesn't your policy assess  
14 points for someone who violates these federal  
15 regulations?

1:02:50

16 A. Sir? Ask again --

17 Q. Why does your --

18 A. -- please?

19 Q. -- safety policy not assess points for  
20 someone who violates the federal statutes?

1:03:03

21 MR. HENDERSON: Object to form. Relevance,  
22 speculation.

23 THE WITNESS: Well, I figure if they're not  
24 ticketed, it's fixable.

25 BY MR. DEFFET:

Page 64

1 Q. They are ticketed. In fact, it's an out of  
2 service violation to have left and right stop lamps  
3 inoperative, and that's what it states on there, right? 1:03:21

4 A. Did he get a ticket -- he did not get a  
5 ticket for that, did he?

6 Q. He was cited for these three violations. Are  
7 you disagreeing with that? 1:03:29

8 A. He was wrote up for them, but he was not  
9 ticketed and put out of service.

10 Q. Okay. So you're saying because he didn't  
11 have to go into court, then these violations don't  
12 exist. 1:03:40

13 A. Oh, I didn't --

14 MR. HENDERSON: Objection. Mischaracterizes  
15 testimony.

16 THE WITNESS: I did not say that.

17 BY MR. DEFFET:

18 Q. Okay. Are you saying that these citations  
19 were not true at the time? 1:03:50

20 MR. HENDERSON: Same objection.

21 THE WITNESS: No, I'm saying I guess they're  
22 -- yeah, I'm sure they was true.

23 BY MR. DEFFET:

24 Q. Okay. But you didn't think it was serious  
25 enough -- serious enough under your policy to dock him

Page 65

1 points under your disqualification guidelines. 1:04:07

2 MR. HENDERSON: Objection. Misstates  
3 testimony.

4 THE WITNESS: No, sir.

5 BY MR. DEFFET:

6 Q. In fact, you don't even have that type of  
7 incident listed on your three-page accident, quote,  
8 violation disqualification guideline, do you? 1:04:20

9 A. No, sir.

10 Q. I don't see anything in your safety policy  
11 accident violation disqualification guidelines about  
12 any hours of service violations that would gain points.  
13 Correct? 1:04:35

14 A. Correct.

15 Q. Is there a reason why that's not listed in  
16 your guidelines? And I'm sorry to be nitpicky, but  
17 right now I can't see your face. Could you move into  
18 the light, please, if there's light there? 1:05:00

19 A. Can you --

20 Q. There you go.

21 A. -- see me now?

22 Q. Yes. Thank you --

23 A. Oh.

24 Q. -- very much. I appreciate it. 1:05:05

25 THE WITNESS: But there's not no thing in

Page 66

1 there, is there?

2 BY MR. DEFFET:

3 Q. Is --

4 A. No, it's not list -- it's not listed there,  
5 sir.

6 Q. Okay. Why is it not --

7 A. Yeah.

8 Q. -- listed in your policies?

1:05:16

9 MR. HENDERSON: Objection. Speculation.

10 THE WITNESS: Like I said, I had CDL

11 Consultants. This is from them. And this is what we  
12 got from them.

13 BY MR. DEFFET:

14 Q. Okay. But you're responsible --

15 A. That's who --

1:05:30

16 Q. I'm sorry --

17 A. -- that's who we use --

18 Q. -- go ahead.

19 A. That's who we use for our safety, sir.

20 Q. Yeah, but you're the person enforcing the  
21 safety for your company, right?

1:05:38

22 A. Yes, sir.

23 Q. Okay. The company that you hired is not the  
24 one exercising discipline against your employees; it's  
25 you, right?

Page 67

1 A. Correct. 1:05:48

2 Q. Okay. And you're responsible for putting  
3 these drivers on the road in a safe manner, right?

4 A. Yes, sir.

5 Q. And it's your responsibility to teach them  
6 what the federal regulations are, correct? 1:05:59

7 MR. HENDERSON: Objection. Calls for a legal  
8 conclusion.

9 THE WITNESS: Yeah, we hand them a book and  
10 they're supposed to read it, yes, sir.

11 BY MR. DEFFET:

12 Q. Okay. So you're saying you give them the  
13 book and then that's -- that's the end of it? 1:06:11

14 A. Well, they're supposed to read it and we're  
15 -- and -- and we talk about it also.

16 Q. Do you test them?

17 A. Test them? 1:06:21

18 Q. Yes.

19 A. You -- you mean like give them a test? What  
20 do you mean, test them?

21 Q. Do you test them?

22 A. I rode with each and every driver and make  
23 sure they can drive and stuff. 1:06:37

24 Q. Okay. Now, let's go back to July 23rd, 2013.  
25 There's one, two, three, four, five, six, seven record

Page 68

1 duty status violations and hour service violations

2 listed, correct?

1:06:51

3 A. Yes, sir.

4 Q. Okay. What did you do, if anything, to dock

5 Jimmie Dale Cox points under your policy after this

6 incident happened?

7 MR. HENDERSON: Objection. Relevance.

1:07:05

8 THE WITNESS: I actually don't remember.

9 Probably -- I really don't remember, sir. I really

10 don't remember.

11 BY MR. DEFFET:

12 Q. Okay. Would you -- would you agree that

13 audible air leak problems is -- in a truck -- sorry,

14 strike that.

1:07:28

15 If someone had audible air leak problems in

16 your trucks and was driving your vehicle, would be

17 negligent operation of a motor vehicle?

18 MR. HENDERSON: Objection. Improper

19 hypothetical. Calls for speculation.

1:07:44

20 BY MR. DEFFET:

21 Q. I'm using the words from your safety policy

22 in the incident section for six points and it's stated

23 serious. There's listed negligent operation of a motor

24 vehicle.

1:07:57

25 So would operating a truck that you own

Page 69

1 having audible air leak problems -- would that be  
2 considered negligent in operation of a motor vehicle?

3 MR. HENDERSON: Same objection. Calls for  
4 speculation, improper hypothetical.

1:08:10

5 BY MR. DEFFET:

6 Q. You -- you have to answer the question unless  
7 your attorney directs you not to.

8 MR. HENDERSON: You can answer it if you  
9 understand the question.

1:08:27

10 THE WITNESS: I don't really understand. It  
11 could've happened when he's --

12 MR. DEFFET: I'm going to --

13 THE WITNESS: -- driving down the road. When  
14 --

15 MR. DEFFET: -- strike -- move to strike the  
16 speaking objection. If you ask -- if you tell him  
17 again -- if you answer it, I'm going to move for costs  
18 and fees.

1:08:37

19 You can have a valid objection, but you  
20 cannot say answer the question if you understand it.  
21 That's a speaking objection. I move to strike that  
22 from the record.

1:08:47

23 BY MR. DEFFET:

24 Q. If you don't --

25 MR. HENDERSON: I'm not going to --

Page 70

1 BY MR. DEFFET:

2 Q. -- understand something, Mr. Murray, you tell  
3 me what you don't understand, and I will rephrase the  
4 question. Otherwise, the commentary by your attorney  
5 should stop.

1:08:57

6 A. So what was the question again?

7 Q. Do you know what negligent operation of a  
8 motor vehicle under your policy means?

9 A. Yes.

1:09:11

10 Q. What situations does that come into play?

11 A. Well, that would've come under play, but it  
12 might've happened when he was driving on the road. He  
13 -- when he done his daily inspection, that might not  
14 have been leaking at the time. Stuff like that happens  
15 driving down the highway.

16 Q. Would you consider an audible air leak  
17 violation to be negligent operation of a motor vehicle  
18 under your policy?

19 MR. HENDERSON: Objection. Vague, calls for  
20 speculation.

1:09:36

21 THE WITNESS: No.

22 BY MR. DEFFET:

23 Q. What about an unsecured fire extinguisher?

24 MR. HENDERSON: Same --

25 THE WITNESS: No.

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1 MR. HENDERSON: -- objections.

2 BY MR. DEFFET:

3 Q. What about the left and right stop lamps  
4 being inoperative?

1:09:47

5 MR. HENDERSON: Same objection. Also  
6 relevant -- irrelevant.

7 THE WITNESS: No.

8 BY MR. DEFFET:

9 Q. What about the six or so hours of service and  
10 logging violations listed from July 23rd, 2013? Would  
11 you agree that's negligent operation of a motor  
12 vehicle?

1:10:06

13 MR. HENDERSON: Same objection. Lacks --

14 THE WITNESS: No.

15 MR. HENDERSON: -- relevance.

16 BY MR. DEFFET:

17 Q. What did you do to take corrective action  
18 against Mr. Cox after he had these violations in July  
19 23, 2013?

1:10:17

20 MR. HENDERSON: Objection. Asked and  
21 answered.

22 THE WITNESS: I told you we sat down and had  
23 a oral discussion about it.

24 BY MR. DEFFET:

25 Q. Okay. After that meeting, did he continue to

Page 72

1 have logging violations? 1:10:26

2 A. Excuse me, sir?

3 Q. After July 23rd, 2013, when you had  
4 subsequent discussions, did Mr. Cox have further hours  
5 of service violations?

6 A. I'm sure he might've, but I don't remember  
7 when it could've been. 1:10:44

8 Q. How about the date of this incident, April  
9 29, 2018? He had logging violations on that date,  
10 didn't he?

11 A. Not that I know of, no, sir. 1:10:58

12 Q. Did he have --

13 A. I did --

14 Q. Did he have logging violations on April 29,  
15 '18?

16 A. No.

17 Q. He did not.

18 A. No, sir. Not to my understanding. At the  
19 time. 1:11:12

20 Q. What is your understanding?

21 A. To my understanding, my -- was my ELD was  
22 working at the time.

23 Q. If your ELD was -- well, first of all, I  
24 didn't ask about your ELD. But why don't you explain  
25 what you're talking -- 1:11:24

Page 73

1 A. You --

2 Q. -- about?

3 A. You -- you -- you asked me if he had a  
4 logbook violation on the 29th of April 2018. No, he  
5 did not.

1:11:34

6 Q. You -- are -- was your ELD working on the  
7 time of the incident on April 29, 2018?

8 A. I was under the understanding it was, but I  
9 found out later it was not.

1:11:44

10 Q. And how often do you check the ELD when  
11 someone's on the road?

12 A. I told you, once a month.

13 Q. Okay. Is that what the federal regulations  
14 require you to do, only once a month?

1:12:00

15 MR. HENDERSON: Objection. Calls for a legal  
16 conclusion.

17 THE WITNESS: I believe it is.

18 BY MR. DEFFET:

19 Q. Can you point to the regulation that state --  
20 states once a month?

1:12:10

21 A. I cannot.

22 Q. When was the last time the air brakes were  
23 maintained or inspected prior to the April 29, '18,  
24 incident?

25 A. It would've been -- the truck was in the

Page 74

1 garage at Peterbilt in Sauget, Illinois on March 22nd,  
2 2018 and it went to a 60-point inspection. It was  
3 getting serviced in there.

1:12:38

4 Q. Okay.

5 A. With a --

6 Q. Why was -- why was that truck there from  
7 March 16, '18, through March 22, '18?

8 A. It was getting an oil leak and stuff fixed.

9 It was getting some -- it was getting some work done.

1:12:55

10 And in the meantime, they do a 60-point  
11 inspection in there.

12 Q. How long have you owned this semi that was  
13 involved in this incident?

14 A. We bought it in May of 2013. It was a 2014  
15 Peterbilt. I think May -- I think we bought it May  
16 31st, 2013.

1:13:15

17 Q. Okay. In discovery, your attorneys only gave  
18 me inspections starting October 23rd, 2018 [sic]  
19 through the March 22, '18, date. I have no other  
20 inspections for that 2014 Peterbilt bearing VIN  
21 1XPWD49XXED229547.

1:13:40

22 Are there --

23 A. Well, there's --

24 Q. -- any other --

25 A. -- one in --

Page 75

1 Q. -- inspection dates other than October 23,  
2 '17, December 7th, '17, and March of 2018?

1:13:50

3 A. We have -- there's one in there -- the --  
4 that had a federal inspection in May of 2- -- May 20th,  
5 2017's in there. It was the last inspection. Federal  
6 inspection -- you gotta have them once a year.

1:14:02

7 We get them done once a year. And it -- the  
8 last one that would've been done was 5/20/2017. So in  
9 about another month from the accident, it would've been  
10 inspected again. It would've been -- went to another  
11 federal inspection.

1:14:18

12 Q. So from 2013 to 2017, it was not inspected?  
13 Or -- or I have that incorrect?

14 A. Sir, it -- no, that's incorrect. It would've  
15 been inspected every year. You have to have a federal  
16 inspection.

1:14:33

17 Q. Well, I have not been tendered anything from  
18 '13 and '14, I don't believe. Can you point to those?

19 A. Well, in '13 --

20 Q. In 2016 -- I'll pull it up. I'll pull it up.

21 A. In 2013, it wouldn't had to have inspect --  
22 it was a brand new truck. The Peterbilt gives you the  
23 federal inspection then. It's good for a year.

1:14:53

24 (Exhibit No. 3 marked for identification.)

25 BY MR. DEFFET:

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1 Q. Okay. Can you see this on the screen right  
2 now?

3 A. No, not really. There. Okay, yeah. 1:15:01

4 Q. All right. I'm flipping it over. Can you  
5 see that okay?

6 A. Yes, sir.

7 Q. Okay.

8 A. That was --

9 Q. I'm going to designate this --

10 A. -- when -- this is when the truck was brand  
11 new, right? I -- scoot down -- 1:15:12

12 Q. Please give me --

13 A. -- and let me see --

14 Q. -- one -- give me one second, okay? I just  
15 want to identify it. I'm identifying this as Exhibit  
16 3. This is a two-page Attachment 7. It was designated  
17 by Murray Brothers in their answers to discovery in the  
18 production response. 1:15:26

19 And it's two pages. And it's a DOT  
20 inspection report listed for 2016 and '17. Okay. You  
21 recognize these documents, Mr. Murray? 1:15:37

22 A. Yes. Uh-huh.

23 Q. Okay. And that's for the -- the Peterbilt  
24 involved in this incident?

25 A. Yes. It looks like it is, yeah, mm-hmm. 1:15:46

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1 Q. Okay. Aside from 2016 and '17, were there  
2 any other inspections done before that date or after  
3 that date?

4 A. There would've been one in 2013, '14, '15,  
5 '16, and '17. Told you once a year. 1:16:05

6 Q. Okay. Why were those not provided in answers  
7 to discovery?

8 A. I -- to -- I don't really know why they're  
9 not in there, but we do -- we would have them. 1:16:16

10 Q. You would have them?

11 A. I'm sure they're in the file cabinet  
12 somewhere, yes.

13 Q. Is there a reason why they weren't provided  
14 in discovery?

15 A. I do not know that, no, sir. 1:16:28

16 Q. So right now I don't have one for '13, '14,  
17 '15. And when would you normally do it in 2018? Is  
18 there a certain time period you would do it? 1:16:41

19 A. Yes. I told you, sir. It would've been in  
20 May of 2018. One -- one year from the original -- from  
21 the original -- it's an -- it's a 12-month inspection,  
22 sir. 1:16:52

23 Q. Okay. Forgive me. So every year, once a  
24 year in May you would do it?

25 A. Yes, sir.

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1 Q. Okay, okay. Sorry about that. All right. 1:17:00

2 A. That's all right.

3 Q. Okay. So if we're looking at the -- I'm  
4 going to try to pull these up again, okay? 1:17:09

5 A. Okay.

6 Q. I'm pulling up Attachment 1, which is five  
7 pages of maintenance records that were given only in  
8 the 2016 and 2017 inspections. This is the entirety of  
9 the maintenance and inspection records I was given  
10 regarding this Peterbilt. Are there additional records  
11 that were not provided?

12 A. Yes. 1:17:41

13 Q. And what additional records are there that  
14 were not provided?

15 A. Well, there would be PM services and there  
16 would be some other work done to the truck. It was  
17 overhauled from Cummins in St. Louis when it had about  
18 300,000 miles on it. I remember that. 1:17:59

19 Q. Okay. When was that?

20 A. It would've probably -- it would've been in  
21 probably 2015. Cummins diesel in St. Louis, Missouri  
22 overhauled that truck.

23 Q. When they --

24 A. I --

25 Q. -- overhauled it, what did they do? 1:18:13

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1 A. They rebuilt the whole engine.

2 Q. Did they work on the brakes?

3 A. They would not have done that, no, sir.

4 (Exhibit No. 4 marked for identification.)

5 BY MR. DEFFET:

6 Q. Okay. I'm going to pull this up real quick.

7 I think I may be at 4 hopefully. I'm going to identify

8 this as Exhibit 4. It's five pages, which is the

9 maintenance records that were given for the 2014

10 Peterbilt involved in this incident.

1:18:55

11 A. Okay.

12 Q. And do you recognize these documents?

13 A. I can't really see. What's the date on them?

14 Q. Sure. I'll try to scroll through them a

15 little bit. There's five pages.

1:19:08

16 So the first one is from October 23, '17.

17 You see that?

18 A. Yeah.

19 Q. Okay. And then the next one on page 2 of

20 this exhibit is December 7 to December 9, '17?

21 A. Okay.

1:19:31

22 Q. You see that?

23 A. Yes, sir.

24 Q. Okay. Can you explain what a blower resistor

25 is?

Page 80

1 A. Yeah. It's for the blower motor for the  
2 heater.

1:19:42

3 Q. Okay. So that was fixed on that date?

4 A. Looks to be, yes.

5 Q. Okay. And then on March 16, '18, you brought  
6 it in and it was not ready till March 22, '18, right?

1:19:56

7 A. This is correct.

8 Q. Okay. Is there a reason why so many things  
9 were performed on these dates just prior to the April  
10 29, '18, incident with my client?

1:20:07

11 MR. HENDERSON: Objection. Vague,  
12 speculation.

13 THE WITNESS: What -- what are you -- reask  
14 the question, sir.

15 BY MR. DEFFET:

16 Q. Sure. Let's -- let's look through those  
17 records, okay? Give --

1:20:21

18 A. Okay.

19 Q. -- me a second here.

20 A. Why was so much work done to that?

21 Q. Yes. There's like three pages of work listed  
22 here from 3 to 5 of this --

1:20:33

23 A. I'm not -- looks like it

24 Q. -- exhibit.

25 A. -- looks like it had a pretty good oil leak

Page 81

1 in it.

2 Q. Okay. So a major oil leak. Okay --

3 A. Uh-huh.

4 Q. -- and then they had to remove the starter,  
5 right?

1:20:46

6 A. Right. And -- yes.

7 Q. Okay.

8 A. Looks like they did about \$2,500 worth of  
9 work to it, yes.

10 Q. Okay. And did they redo the transmission?

1:20:59

11 A. No, I think they just -- it looks like they  
12 just took the transmission out to fix an oil leak.

13 Q. Okay.

14 A. Or a rear -- rear main seal or something,  
15 yes.

1:21:12

16 Q. They adjusted --

17 A. That's what it looks like.

18 Q. -- the clutch?

19 A. Yes. Uh-huh.

1:21:17

20 Q. Okay. And -- and it says air fitting for the  
21 shifter are leaking badly. What does that mean?

22 A. Well, you have to have air for the  
23 transmission to shift from high to low. So just --

24 Q. Okay.

25 A. -- little spaghetti -- they're just little

Page 82

1 air lines. Small. Small air lines.

1:21:34

2 Q. Okay. So at this point in time, you believed  
3 the brakes were working okay?

4 A. Yes, I believe they -- if they wouldn't have  
5 been, I believe Peterbilt would've had -- would've  
6 called me about it. Yes.

1:21:56

7 Q. Okay. Who's the one --

8 A. My understanding they do a -- they do a  
9 60-point inspection about every time we take our trucks  
10 up there to get work done. You know, if they find  
11 something that we -- if they find something that the  
12 driver didn't report, they will call me and ask me if  
13 the -- if we need it fixed.

1:22:12

14 Q. Okay. When did the air leaks first -- first  
15 start happening in 2018 to that Peterbilt?

16 MR. HENDERSON: Objection. Vague.

17 THE WITNESS: Air leak? What air leak are  
18 you talking about, sir?

1:22:27

19 BY MR. DEFFET:

20 Q. The air leak on the Peterbilt. When did that  
21 first start?

22 MR. HENDERSON: Objection. Vague.

23 THE WITNESS: Well, there's all kinds of air  
24 lines. I don't know what air leak you're -- you're  
25 specifically talking about.

1:22:39

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1 BY MR. DEFFET:

2 Q. Well, you tell me. What air leaks do you  
3 think I'm talking about?

4 A. I have no idea. 1:22:47

5 Q. What air leaks are you aware of that happened  
6 on that Peterbilt in 2018?

7 A. The time of the wreck?

8 Q. In the year 2018, what air leaks were you  
9 aware of on the Peterbilt involved in this incident? 1:23:02

10 A. I was not aware of no air leaks at -- at --  
11 before the accident.

12 Q. Okay. So you agree there was an air leak  
13 found after the accident?

14 A. I seen in the report, yeah, there was an air  
15 leak. 1:23:17

16 Q. But that's not what I asked you. Would -- do  
17 you agree there was an air leak in the Peterbilt Murray  
18 Brothers, LLC, owned?

19 A. No, I would not agree with that. 1:23:29

20 Q. You disagree with the police findings that  
21 there was an air leak?

22 A. The air leak could've happened during the  
23 accident, sir.

24 Q. How would that happen? 1:23:42

25 A. Well, if you would look at the pictures,

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1 there's black marks and stuff on the highway when Mr.  
2 Cox laid on the brakes. It could've had -- that brake  
3 chamber could've blew. That happens.

1:23:53

4 Q. Is that what the --

5 A. There was an air --

6 Q. -- police -- is that --

7 A. They were --

8 Q. Go ahead --

9 A. There was --

10 Q. -- I'm sorry.

1:23:58

11 A. -- an air -- there -- there was an air leak  
12 on axle No. 5, which is the trailer. The brake chamber  
13 was leaking. And you can ask people that know about  
14 that, that that can happen during a time when you hit  
15 your brakes real hard. It can blow the air -- it can  
16 blow the brake chamber back there.

1:24:18

17 Q. Okay. You would agree Mr. Cox was cited for  
18 failure to reduce speed to avoid an accident for this  
19 April 29, '18, incident?

20 A. Would I agree with that?

1:24:27

21 Q. Yes.

22 A. I cannot -- I cannot make that call. I  
23 wasn't there, sir.

24 Q. I'm asking you if you're aware he was cited  
25 for failure to --

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1 A. I -- I am --

2 Q. -- reduce speed.

1:24:38

3 A. -- aware of that, yes. I'm aware he got a  
4 ticket. Yes.

5 THE RECORDER: I just need --

6 BY MR. DEFFET:

7 Q. Okay.

8 THE RECORDER: -- to interject and make sure  
9 that you guys let the other finish speaking so you're  
10 not talking over each other for the record.

1:24:47

11 MR. DEFFET: My fault. I apologize.

12 BY MR. DEFFET:

13 Q. Are you aware that Mr. Cox was cited for no  
14 driver's record of duty status and failure to repair  
15 the ELD within eight days on April 29, '18?

1:25:03

16 A. I was aware after the fact, sir.

17 Q. Okay. When was the last -- last time you  
18 spoke to Mr. Cox before the incident happened on April  
19 29, '18?

20 A. The last time I spoke to him before the  
21 accident would've been probably Saturday morning.

1:25:21

22 Q. Okay. You were dispatching --

23 A. I --

24 Q. -- for him, right?

25 A. Yes, sir, I dispatched him Saturday morning,

Page 86

1 uh-huh.

2 Q. Okay. When's the last time you actually  
3 viewed the Peterbilt prior to the April 29, '18,  
4 incident?

1:25:33

5 A. The last time I personally looked at it?

6 Q. Yes.

7 A. It probably would've been a week or so before  
8 that.

9 Q. And did you see any problems with the  
10 Peterbilt at that time?

1:25:45

11 A. I did not, sir.

12 Q. What type -- did you do a -- an inspection of  
13 it or just a general walkaround?

14 A. Just a general walkaround, yes. Uh-huh.

1:25:56

15 Q. Did you have a --

16 A. Checked the oil --

17 Q. -- success --

18 A. I just checked the oil -- I just checked the  
19 oil and stuff like that. Checked the water level and  
20 stuff such as that.

1:26:02

21 Q. Okay. When you check the oil, what type of  
22 things can you see on the vehicle itself as far as the  
23 brake lines and things like that?

1:26:12

24 A. Well, you can see -- yeah, you can look at  
25 all that stuff.

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1 Q. Okay. Did you see pliers on the brake lines  
2 at that point in time?

3 A. No, sir, I never have seen pliers on the  
4 brake line. Never have. 1:26:25

5 Q. Okay. Would you agree that pliers were used  
6 to stop the air leaks on this 2014 Peterbilt involved  
7 in the incident?

8 A. On the brake line?

9 Q. On the air -- to stop air leaks in the  
10 braking tubing and hosing. 1:26:38

11 A. I would disagree it was on a -- it was on a  
12 brake lines. I would disagree with that a hundred  
13 percent.

14 Q. Okay. Do you believe that pliers were used  
15 at all on the 2014 Peterbilt? 1:26:50

16 A. Well, after the fact I seen a pair of plier  
17 -- a pair of vice grips on the driver seat, which has  
18 nothing to do with the brakes.

19 Q. Well, what does it have to do with? 1:27:02

20 A. Giving air to their seat -- the driver seat.

21 Q. Giving air to the driver seat?

22 A. Yes, sir, and that's all it has to do with.

23 Q. Okay. Meaning --

24 A. Period. 1:27:12

25 Q. -- raising -- raising up and --

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1 A. Raising --

2 Q. -- putting down the seat?

3 A. Raising -- raising and lowering the seat,  
4 yes, sir.

5 Q. Okay. And did you have a discussion with

6 Jimmie Dale Cox about that?

1:27:22

7 A. I did not until after the fact.

8 Q. And what did you say to him and what did he  
9 say to you?

10 A. Well, I -- when I found out about the vice  
11 grips --

12 Q. Everything --

13 A. -- after the --

14 Q. -- involving --

15 A. -- ride --

16 Q. -- the incident.

1:27:36

17 A. After I found out about -- he -- he just said  
18 he put -- the seat was leaking air and the seat  
19 wouldn't -- wouldn't stay up, so he just put a pair of  
20 vice grips on it that day so the seat wouldn't be going  
21 up and down.

1:27:52

22 Q. Okay. You said you did review the police  
23 report for this incident, right?

24 A. I did, sir.

25 Q. Okay. Would you -- would you like to take a

Page 89

1 look to refresh your memory on anything?

1:28:05

2 A. I can. Yes.

3 Q. Okay. Give me one second here. I -- I just  
4 put it up on the screen. Now, this is two pages taken  
5 from the police report. Okay?

1:28:25

6 This is the driver --

7 A. Okay.

8 Q. -- vehicle inspection report with violations  
9 --

10 A. Yes, sir.

11 Q. -- listed. Can --

12 A. I see it.

13 Q. Can you see that on the screen?

1:28:34

14 A. I can.

15 Q. Okay. And so at the bottom, you see where  
16 I'm scrolling with the mouse?

17 A. Yes, sir.

18 Q. Okay. So there's one, two, three, four,  
19 five, six violations listed here. Correct?

1:28:50

20 A. I see that, yes.

21 Q. Okay. One is failure to reduce speed to  
22 avoid an accident, right?

23 A. I see that.

1:29:01

24 Q. Okay. The second one is no driver's record  
25 of duty status, failed to repair ELD within eight days

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1 or request waiver, correct?

2 A. I see that.

1:29:11

3 Q. The third one is discharged an unsecured fire  
4 extinguisher, correct?

5 A. Yes.

6 Q. Okay. And that's the same violation that  
7 occurred in 2013 that you did not discipline Mr. Cox  
8 for, correct?

1:29:25

9 A. Correct.

10 Q. And then there's audible air leak at other  
11 than proper connection. And what is that -- your  
12 understanding that that is?

13 A. That looks like that is a pair of vice grips  
14 that was underneath the seat, driver seat.

1:29:41

15 Q. Okay. Your understanding is that that was in  
16 relation to only working the seat itself.

17 A. Yes, sir.

18 Q. Okay. And then there's audible air leak at  
19 brake chamber axle 5 left. And what is your  
20 understanding about what that violation is?

1:30:02

21 A. I believe I explained that a while ago. That  
22 could've happened during the accident when Mr. Cox  
23 slammed on his brakes. If you look at the pictures of  
24 the thing, he left a lot of black marks there. He was

25 --

1:30:14

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1 Q. Okay.

2 A. -- hitting his brakes pretty hard and that  
3 could've -- that could've happened during the accident  
4 very easily --

5 Q. But --

6 A. -- very easily. 1:30:20

7 Q. But you agree that that's a violation. You  
8 just don't believe it happened before the incident --

9 A. No, I -- I believe it happened during the  
10 accident is what I believe. 1:30:29

11 Q. Okay. If it didn't happen during the  
12 accident, you would agree that is a violation of the  
13 federal code, right?

14 MR. HENDERSON: Objection. Improper  
15 hypothetical. 1:30:38

16 THE WITNESS: Yeah, I mean, that's -- who  
17 know -- who knows when it was leaking. I'm saying it  
18 wasn't leaking before. But that's my opinion and -- I  
19 think it happened during the accident is what I'm going  
20 to say. 1:30:48

21 BY MR. DEFFET:

22 Q. If it was -- if it had been noted before the  
23 incident, you agree that's a federal violation and  
24 Jimmie Dale Cox should not be driving that truck. 1:30:57

25 MR. HENDERSON: Same objection. Calls --

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1 THE WITNESS: That's hyp- --

2 MR. HENDERSON: -- for a legal conclusion.

3 THE WITNESS: Yeah, what's hypothetical? Who

4 knew -- who knows when it was leaking? Nobody -- 1:31:04

5 BY MR. DEFFET:

6 Q. If --

7 A. -- nobody can --

8 Q. -- if your --

9 A. -- say that.

10 Q. -- truck -- please listen to the question I'm

11 asking. And give me a chance to ask you before you

12 answer, okay? Because the court reporter has to take

13 this down. I know I've been guilty of it, but let's

14 try to do better, okay? All right.

15 So if this air leak was noted on a truck that

16 your drivers were driving, absent an accident

17 occurring, you would agree it's unsafe to drive this

18 truck with that problem. Correct? 1:31:31

19 MR. HENDERSON: Same objections.

20 THE WITNESS: I would agree with that, but

21 who -- who said it was leaking before?

22 BY MR. DEFFET:

23 Q. Okay. Now, the next one has brake tubing and

24 hose adequacy, pliers used to stop air leak, front

25 passenger cabin. 1:31:48

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1           What is -- what is your understanding about  
2   that?

3           A.    I don't think that -- I don't think there was  
4   a -- any pliers on the right side.  Never -- I know --  
5   and I never found them.

1:32:03

6           Q.    So you disagree --

7           A.    My brother --

8           Q.    -- with the -- the police on that.

9           A.    On the pliers.  I do on that -- on the right  
10   side, yes, I do.

1:32:10

11          Q.    Okay.  And then the second page of this I'm  
12   going to show you.  And do you see that --

13          A.    I read that.

14          Q.    Okay.  It says Trooper Mott stated there was  
15   an air leak at axle 5 brake change -- chamber, right?

1:32:33

16          A.    Yes.  We discussed --

17          Q.    And it says --

18          A.    -- that.

19          Q.    Okay.  Please -- I know I'm long-winded, but  
20   just give me a chance here for a sec, all right?

1:32:41

21                It says he stated the leak was present when  
22   the brakes were released and air was being used to keep  
23   the emergency brake from activating.  There were pliers  
24   used to stop air leak from under the passenger side of  
25   the cab.  And I saw pliers used to stop air leak on the

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1 driver side also.

1:33:01

2 And what is your understanding about that,  
3 that the police officer put in the report?

4 MR. HENDERSON: Objection. Calls for  
5 speculation.

6 THE WITNESS: As once again, I'll say the  
7 brake chamber probably happened during the accident. I  
8 believe that all the way.

1:33:22

9 And there was a pair of pliers on the driver  
10 seat is all I know about.

11 BY MR. DEFFET:

12 Q. When did you see the -- the semi that Murray  
13 Brothers, LLC, owns to see that the pliers were on the  
14 seat of the truck on the driver side?

1:33:37

15 A. My brother Larry went up there and looked at  
16 it about three weeks and he said that was the only set  
17 of pliers he seen --

18 Q. Okay.

19 A. -- period.

20 Q. So is that -- so you have not seen the truck  
21 and you did not --

1:33:50

22 A. I have --

23 Q. Hold on. You did not view the pliers and you  
24 did not see the truck with the pliers on the driver  
25 seat.

Page 95

1 A. This is correct. I have not seen it myself  
2 personally. 1:34:02

3 Q. Okay. And you're stating that your brother  
4 talked about seeing it three weeks ago with the pliers  
5 on the driver side seat?

6 A. Yes. 1:34:12

7 Q. Okay. Did anyone tell you that they saw the  
8 pliers on the driver seat right after the incident on  
9 April 29, 2018?

10 A. Well, like who would've told me? 1:34:28

11 Q. I'm -- I'm asking you.

12 A. Nobody told me there was pliers on there  
13 until I -- no, until -- I didn't find out until after  
14 the inspection.

15 Q. Okay. The inspection by the police? 1:34:43

16 A. Yes, sir.

17 Q. Okay. Where do you see in the police report  
18 that it notes that the pliers are on top of the seat in  
19 any manner?

20 MR. HENDERSON: Mischaracterizes testimony. 1:34:56

21 THE WITNESS: They wasn't on top of the seat.  
22 They was underneath the -- they was underneath the cab  
23 of the truck.

24 BY MR. DEFFET:

25 Q. Okay, I'm sorry. So where in the police

Page 96

1 report do you see that they are under the seat?

1:35:10

2 A. Well, you just got done showing me. I'd read  
3 that -- I'd read that police report.

4 Q. You're stating that it says that they're  
5 under the seat?

6 A. No, I seen a picture of it.

1:35:25

7 Q. I only showed you two pages. There's no  
8 pictures in the pages I showed you.

9 A. There is in the police report, sir. There's  
10 a picture right here in this -- this thing here.

1:35:37

11 Q. Your attorney can pull it up on the screen if  
12 he wants. I -- I'd be happy to -- to look at it if  
13 your attorney wants to pull it up.

1:35:48

14 MR. HENDERSON: We're working on it.

15 THE WITNESS: Okay.

16 MR. HENDERSON: He wants the picture of --

17 THE WITNESS: The picture of the pliers is --

18 MR. HENDERSON: No --

19 THE WITNESS: -- under this that's back here

20 -- it's back here in the accident --

1:35:55

21 BY MR. DEFFET:

22 Q. Hold on. I got the report. Give me a sec.  
23 I'll find it.

24 MR. HENDERSON: Can you tell me what the  
25 picture -- what page so I can help counsel?

1:36:06

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1 MR. DEFFET: Give me a second. I think I'll  
2 be able to find it here.

3 THE WITNESS: Oh, this is yours, ain't it?

4 MR. HENDERSON: Oh yeah, yeah. You can use  
5 that --

6 THE WITNESS: Okay. It's --

7 BY MR. DEFFET:

8 Q. Okay. Is this --

9 A. You got it. You're -- you're getting close  
10 -- yeah, that's -- that's it right there, sir. 1:36:25

11 Q. Okay.

12 A. That's what I'm talk -- that's the one --

13 Q. Okay.

14 A. -- I'm talking about. Yes. That's the only  
15 thing I've seen -- 1:36:37

16 Q. Okay.

17 A. -- period.

18 Q. So this is page 27 of the 33-page Illinois  
19 State Police report. Okay?

20 And it states here it was noted that a pair  
21 of pliers was observed on air lines under the driver  
22 side of the cab as well as the passenger side of the  
23 cab. 1:36:56

24 And this is a photograph of the pliers as  
25 they were positioned at the tow lot on May 3, 2018.

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1 Right?

2 A. Correct.

3 Q. Okay. You're -- you're state -- you believe  
4 that this is in regard to the driver's seat.

1:37:13

5 A. It is.

6 Q. Okay. Okay. All right. I'll move on.

7 Can you tell me when you hired Jimmie Dale  
8 Cox?

9 A. July 6, 2006.

1:37:33

10 Q. And as you stated earlier, when you hire  
11 somebody, you order a report on their driving history,  
12 right?

13 A. This is correct.

1:37:42

14 Q. And what violations did you find regarding  
15 Jimmie Dale Cox before you hired him?

16 A. Well, like I said, I run -- PJC Insurance  
17 does that for me, sir.

1:37:51

18 Q. And then they give it to you, right?

19 A. Well, some -- no, they will not give it to  
20 me. They will tell me if it's -- if he's okay to hire.  
21 They will not send it to me.

1:38:01

22 Q. Okay.

23 A. Because of privacy -- because of the privacy  
24 act.

25 Q. So you -- you don't have any --

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1 A. They will not --

2 Q. -- discretion over who you hire for drivers. 1:38:09

3 MR. HENDERSON: Objection. Misstates  
4 testimony.

5 THE WITNESS: We -- well, what are you --  
6 what are you saying? What do you mean, I don't have no  
7 discretion?

8 BY MR. DEFFET:

9 Q. Well, I'm -- I'm asking -- you said that you  
10 -- you don't review what's given to you of the driver's  
11 record. Is -- is that correct? 1:38:27

12 MR. HENDERSON: Objection. Misstates --

13 THE WITNESS: I --

14 MR. HENDERSON: -- testimony.

15 THE WITNESS: No, that's not what I said,  
16 sir. What I said -- I meet with my drive -- I meet  
17 with somebody who's looking for a job. 1:38:35

18 I have a discussion with them. I'm talking  
19 to him. And we have a talk about stuff. And then the  
20 very next step I take is get their MVR and I run it  
21 through PJC Insurance. 1:38:47

22 And that is the next step to see if their --  
23 if their MVR is good enough to drive. And that's PJC's  
24 call.

25 BY MR. DEFFET:

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1 Q. What step --

1:38:56

2 A. PJC makes all -- PJC Insurance Agency makes  
3 the call if a driver is qualified enough to drive for  
4 them to put on their insurance.

5 Q. That -- that's what I'm trying to nail down.  
6 So if PJC said it's okay and their driver's record is  
7 okay, then you're going to hire them.

1:39:14

8 MR. HENDERSON: Objection. Misstates  
9 testimony.

10 THE WITNESS: Not necessarily. I said that's  
11 number -- that's the No. 2 step is checking their MVR.  
12 The No. 1 step is talking to them.

1:39:24

13 BY MR. DEFFET:

14 Q. Okay. What did you review in his driving  
15 record before you hired him?

16 A. I will not hire nobody -- I -- if PJC --  
17 sometimes they'll run somebody through, and if they  
18 don't qualify to drive for PJC --

1:39:37

19 Q. I'm not --

20 A. -- then --

21 Q. -- asking about PJC. I'm asking about you.  
22 What did you --

23 A. Well, you're ask --

24 Q. -- review in Mr. Cox's driving record before  
25 you hired him?

1:39:46

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1 MR. HENDERSON: Objection. Assumes facts.

2 Misstates testimony.

3 THE WITNESS: Well, first of all, I knew even

4 -- I knew the guy he was driving for.

5 BY MR. DEFFET:

6 Q. Okay. 1:39:56

7 A. Before -- before he come to work for me.

8 Q. Okay. So first of all, answer the question.

9 What did you review of Mr. Jimmie Dale Cox's driving  
10 record before you hired him? 1:40:08

11 MR. HENDERSON: Same objections.

12 THE WITNESS: As I stated, PJC Insurance ran  
13 him through, and if it's okay with PJC, if it clears  
14 through PJC --

15 MR. DEFFET: Move to --

16 THE WITNESS: -- I --

17 MR. DEFFET: -- strike as non-responsive. 1:40:22

18 BY MR. DEFFET:

19 Q. What did you review in Mr. Cox's driving  
20 record before you hired him?

21 MR. HENDERSON: Objection. Asked and  
22 answered. 1:40:29

23 BY MR. DEFFET:

24 Q. Did you review his driving record before you  
25 hired Jimmie Dale Cox?

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1 A. Through PJC Insurance.

1:40:42

2 Q. What did you review from PJC Insurance  
3 regarding Mr. Cox's driving record?

4 A. If he was good enough to hire through PJC  
5 Insurance. If they would put him on the insurance  
6 before I hired him.

1:40:55

7 Q. Did you review anything in Mr. Cox's record  
8 yourself before you hired him to drive for your  
9 company, Murray Brothers, LLC?

10 A. I told you PJC will not give me their MVR  
11 because it's against the policy.

1:41:11

12 MR. DEFFET: Move to strike as  
13 non-responsive.

14 BY MR. DEFFET:

15 Q. Did you review anything of Mr. Jimmie Dale  
16 Cox's driving record before you hired him?

1:41:20

17 MR. HENDERSON: Objection --

18 THE WITNESS: No.

19 MR. HENDERSON: -- asked and answered  
20 repeatedly.

21 BY MR. DEFFET:

22 Q. That answer was "no," correct?

1:41:25

23 A. That's right.

24 Q. So you did not review anything in his driving  
25 history before you hired Jimmie Dale Cox --

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1 A. That is --

2 MR. HENDERSON: Objection --

3 THE WITNESS: -- not --

4 MR. HENDERSON: -- asked and answered. 1:41:34

5 MR. DEFFET: I'm going to keep asking him  
6 until you stop the objections and I get a clear answer.

7 I'll keep asking him -- we'll go on for this for two  
8 hours. So continue -- 1:41:43

9 MR. HENDERSON: it's a fair objection --

10 MR. DEFFET: -- objecting.

11 MR. HENDERSON: -- Counselor.

12 MR. DEFFET: We'll be here all day.

13 BY MR. DEFFET:

14 Q. Did you review anything of Mr. Jimmie Dale  
15 Cox's driving record before you hired him for Murray  
16 Brothers, LLC? 1:41:54

17 A. His driving record, no.

18 Q. So you did not review his driving record at  
19 all before you hired him.

20 MR. HENDERSON: Objection. Asked and  
21 answered. You got your clear answer. You can move on  
22 now. 1:42:05

23 MR. DEFFET: No, I didn't. I got hemming and  
24 hawing.

25 BY MR. DEFFET:

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1 Q. You did not review anything in Jimmie Dale  
2 Cox's driving record before you hired him.

1:42:14

3 MR. HENDERSON: Objection. Asked and  
4 answered. I'm going to keep objecting asked and  
5 answered until you move on. We can be here all day.

1:42:19

6 BY MR. DEFFET:

7 Q. Go ahead and answer.

8 A. I -- I said no.

9 Q. Okay. Thank you. Now, you said you did  
10 other things before you hired him.

1:42:29

11 What else did you do before you hired him to  
12 review his application and employment history?

13 A. I called the people he worked for before.

14 Q. And who --

15 A. Talked --

16 Q. -- was that?

1:42:39

17 A. -- to them. That was A&K Trucking and  
18 Coleman Trucking.

19 Q. And who did you speak to at each of those  
20 places?

21 A. I think at A&K was Kellie, and at Coleman I  
22 actually forgot who I talked to. That was 14 years  
23 ago, so.

1:42:58

24 Q. When you said Kellies, is that a first name  
25 or a last name at A&K Trucking?

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1 A. That is a first name and that is a lady.

2 Q. And where is A&K Trucking located? 1:43:10

3 A. Mineral Point, Missouri.

4 Q. And how long was he working for those guys?

5 A. I think he worked there, oh, two years.

6 Q. What position did he have? 1:43:22

7 A. He was an over road truck driver.

8 MR. HENDERSON: Hey, Counselor, I'm sorry to  
9 interrupt, but we've been going about two hours, and --  
10 and frankly, I have to use the restroom. 1:43:31

11 Could we -- is this a good time to break?

12 MR. DEFFET: Okay.

13 MR. HENDERSON: I appreciate it.

14 MR. DEFFET: Let's take a five-minute break,  
15 okay? Thank you.

16 THE RECORDER: Going off the record at 12:47  
17 p.m. 1:43:40

18 (Off the record.)

19 THE RECORDER: We are back on the record at  
20 1:03 p.m.

21 BY MR. DEFFET:

22 Q. Okay. Before the break, Mr. Murray, I was  
23 asking you what other things you did to check on Mr.  
24 Cox's record before you hired him. 1:44:06

25 You talked about a woman named Kellie at A&K

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1 Trucking. Do you know that woman's last name?

2 A. Her last name was Coleman.

1:44:16

3 Q. Oh. It was Kellie Coleman?

4 A. Well, she -- it was -- yeah -- yeah. She's

5 Kellie Coleman, but she was married to -- I forget -- I

6 forget her last name, but her maiden name is -- is

7 Coleman, yes. It was.

1:44:32

8 Q. Okay. So when you said A&K Trucking and

9 Coleman, that was only one place you were talking

10 about.

11 A. No, sir, that's two companies.

12 Q. Okay. So Coleman is a separate company. And

13 who'd you talk to at Coleman?

1:44:44

14 A. I --

15 Q. Kellie Coleman?

16 A. -- like I said, I -- I don't really remember.

17 It might've been Joe. He was the owner.

18 Q. Okay.

19 A. I said that was 14 years -- about 14 years

20 ago, so.

1:44:55

21 Q. Okay. Did anyone --

22 A. A long time.

23 Q. -- did anyone tell you anything on his record

24 that you talked to?

25 A. No. They just -- no. They just said he was

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1 a pretty -- pretty honest, dependable guy.

1:45:06

2 Q. Okay. You -- you ran -- sorry. We'll get --  
3 you already said you ran a record -- we'll get -- we'll  
4 -- we'll go beyond that.

1:45:14

5 After he was hired by you, he had violations  
6 on October 11, 2011, where he was convicted of speeding  
7 in excess of 10 miles an hour in Missouri in Elsberry  
8 County, correct?

1:45:26

9 A. This is correct.

10 Q. On February 2nd, '14, he was involved in an  
11 accident on Missouri Highway 32, correct?

12 A. This is correct.

1:45:35

13 Q. On October 21, '15, he was convicted of  
14 improper backing in Illinois. Correct?

15 A. Yes, he --

16 MR. HENDERSON: Objection --

17 THE WITNESS: -- was.

18 MR. HENDERSON: -- calls for a legal

19 conclusion.

1:45:45

20 BY MR. DEFFET:

21 Q. That's the ticket. The ticket states that,  
22 that you provide in discovery. On October 21, '15, he  
23 is convicted of improper backing in Illinois. Correct,  
24 Mr. --

25 MR. HENDERSON: Same --

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1 BY MR. DEFFET:

2 Q. -- Murray?

1:45:57

3 MR. HENDERSON: Same objection. You're using  
4 the word "convicted." I don't think that was on the  
5 ticket.

6 THE WITNESS: Yeah, I don't think he was ever  
7 convicted of nothing. He -- no, he wasn't convicted.

1:46:06

8 BY MR. DEFFET:

9 Q. You're saying he was not convicted now.

10 A. I asked Mr. Cox about that. He don't even  
11 remember that happening, so I don't even know where  
12 that come from.

1:46:20

13 Q. Do you believe him, that he doesn't remember  
14 it happening?

15 A. I believe he's -- yeah, I believe he says he  
16 don't remember it happening, yeah.

17 Q. Do you believe him, that he did not have that  
18 violation?

1:46:32

19 A. I believe the violation happened, but I can  
20 believe that he didn't maybe remember it.

21 Q. Okay. You pulled a report that has the  
22 violation. That was provided in discovery, right?

1:46:42

23 A. Yes, sir. Yes, sir.

24 Q. Okay. So you saw it on paper, right?

25 A. I have.

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1 Q. Okay. So if he didn't remember, that means  
2 he lied to you, right?

1:46:52

3 MR. HENDERSON: No.

4 THE WITNESS: No, it --

5 MR. HENDERSON: Objection.

6 THE WITNESS: -- does not.

7 MR. HENDERSON: Misstates testimony.

8 BY MR. DEFFET:

9 Q. Then -- then how did you find out about it to  
10 pull it?

1:46:59

11 A. I found out about it from PJC Insurance.

12 Q. Okay. How many reports has PJC Insurance  
13 done on Mr. Cox for you?

14 A. They do one a -- one every February of every  
15 year.

1:47:16

16 Q. Okay. How come that wasn't provided in  
17 discovery?

18 A. Wasn't asked for it, I guess. Who asked --

19 Q. Okay.

20 A. Did somebody asked for it?

21 Q. It was asked for. And we only had one -- I  
22 think we only had one record. But I'll move on.

1:47:31

23 On December 18, 2015, Mr. Cox struck a diesel  
24 pump in Batesville, Mississippi -- Mississippi, right?

25 A. This is correct.

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1 Q. On April 25, '16, he was involved in an  
2 accident in Pocahontas, Illinois, correct?

1:47:46

3 A. Pocahontas, Arkansas, sir.

4 Q. I'm sorry. Pocahontas, Arkansas?

5 A. Yes, sir.

6 Q. Okay. April 25, '16, Jimmie Dale Cox was  
7 involved in an accident in Pocahontas, Arkansas.

1:47:58

8 A. This is correct.

9 Q. On July 13th, '16, Jimmie Dale Cox was  
10 convicted of speeding in excess of 10 miles per hour in  
11 Wisconsin.

12 A. Correct.

1:48:08

13 Q. On January 25, '18, Jimmie Dale Cox was  
14 involved in an accident in Grenada, Mississippi.

15 A. Correct.

16 Q. And on an unknown date prior to April 29,  
17 '18, Jimmie Dale Cox was involved in an accident on  
18 Highway 55 in Mississippi.

1:48:25

19 A. I did see that. I don't remember that. But  
20 I did see that, yes.

21 Q. Okay. Where did you see it?

22 A. In that discovery. I did see that. I did,  
23 but I don't remember nothing about that, but I did see  
24 that, yes.

1:48:41

25 Q. Did PJC provide you information regarding

Page 111

1 that accident on Highway 55 in Mississippi?

2 A. I do not remember that at all, sir. No, sir,  
3 I do not. The first time I seen it was on that  
4 discovery. 1:48:52

5 Q. Okay. All these other incidents that I  
6 mentioned -- were you aware of those incidents?

7 A. Most certainly was. Yes, sir.

8 Q. Okay. So let's go back to your policy. So  
9 due to all these incidents, did you dock Mr. Cox under  
10 your policy for any points for any of these incidents? 1:49:09

11 A. Well, the only incident that Mr. Cox would've  
12 been -- the Batesville, Mississippi was he was at  
13 fault. The Farmington, Missouri he was not at fault.  
14 Zero was at fault, not at a fault at all. 1:49:23

15 He was not at fault in Pocahontas, Arkansas.  
16 He was not at fault. The car hit him. In Grenada,  
17 Mississippi, a car passed him, swerved over in front of  
18 him. He was not at fault at that. 1:49:34

19 And the -- of course the speeding ticket he  
20 was -- that's his fault, but -- so basically he had the  
21 Batesville, Mississippi was just property damage only.  
22 It was a fuel pump. And then the speeding ticket. 1:49:48

23 Q. Did you assess him any points under your  
24 policy for any of these violations?

25 A. I did not.

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1 Q. Why did you not do this?

1:49:58

2 A. Well, I mean, I -- I assessed him points, but

3 I mean that was just -- then we had a verbal -- a

4 conversation and stuff. Yes.

1:50:05

5 Q. Okay. There's -- there's no record in the

6 personnel file that you disciplined him -- him at all

7 for any of these violations.

8 A. Well, I just gave him oral warnings.

1:50:15

9 Q. When did you give him oral warnings for any  
10 of these incidents?

11 A. When I found out about them, sir.

12 Q. Can you describe any time you gave him an

13 oral warning, when the date was, who was there, what --

1:50:28

14 A. It --

15 Q. -- you said to him?

16 A. -- no. It -- it would've just been me and  
17 him, sir.

18 Q. But when?

19 A. It would've been like right after they

20 would've happened.

1:50:36

21 Q. But you said you didn't know about some of  
22 them, so I'm asking you for a specific --

23 A. The only --

24 Q. -- date.

25 A. The only one I said I didn't know about was

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1 the one on Interstate 55 in Mississippi. Everything  
2 else I know about.

1:50:48

3 Q. Okay. How did you find out about the other  
4 incidents?

5 A. He reported them to me.

6 Q. He reported all of them to you?

7 A. Yes, he did.

1:51:01

8 Q. Okay. And what did you -- what did you tell  
9 him to remedy the situation once he had all these  
10 violations?

11 A. I will say he reported everybody -- except  
12 that one, that improper backing. I do not remember  
13 that.

1:51:14

14 Q. But what did you tell him -- as managing the  
15 safety for Murray Brothers, LLC, what did you tell him  
16 to do in order to get better as a driver?

17 A. You're just going to have slow down and be  
18 careful. But when it's -- when you're setting  
19 somewhere and somebody hits you, you -- there ain't a  
20 whole lot you can do about that sometimes, sir.

1:51:32

21 Q. Okay. But there's like ten violations.  
22 They're not all where someone's sitting down and  
23 someone hits you. Right?

24 MR. HENDERSON: Objection. Misstates  
25 evidence.

1:51:40

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1 THE WITNESS: There's only seven incidents,  
2 sir.

3 BY MR. DEFFET:

4 Q. Okay. So -- but not all seven incidents  
5 where somebody hit him from behind, right? 1:51:52

6 A. Seven incidents in about eight years. Seven  
7 years.

8 Q. Okay. So you didn't feel that he should be  
9 assessed any points for any of these violations.

10 MR. HENDERSON: Objection. Misstates  
11 testimony. 1:52:04

12 THE WITNESS: Yes.

13 BY MR. DEFFET:

14 Q. Okay. Where are Jimmie Dale Cox's logs?

15 A. His logs now? For --

16 Q. Ever.

17 A. -- like the last six -- 1:52:16

18 Q. Any logs. Any logs, period.

19 A. His -- any logs for the last six months.

20 That's a law that you only have to keep them for six

21 months, and the last six months are in his -- in his

22 file cabinet. 1:52:27

23 Q. No logs have been produced in discovery from  
24 Jimmie Dale Cox. You're saying you have logs?

25 A. For the last -- for 2020. 1:52:39

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1 Q. What about in 2018?

2 A. Do not have -- they -- they had all been  
3 throwed away. You only got -- we've only gotta keep  
4 them six months, sir.

5 Q. So when did you throw them away? 1:52:49

6 A. We -- about every month we throw them away.  
7 We just keep six months on file.

8 Q. Okay. So when the time this accident  
9 happened, you didn't think you should preserve any  
10 logs? 1:53:01

11 A. I do. When this happened, at the time, he  
12 had an ELD. Which is electronic log. And J.J. Keller  
13 would've had a copy of them. 1:53:10

14 And until after the fact, I did not know his  
15 -- his -- his ELD was not working. So no, he did not  
16 have no paper logs at the time that I had -- 1:53:19

17 Q. Okay.

18 A. -- to keep.

19 Q. It wasn't his ELD. It was your truck that  
20 you owned. That ELD did not work correctly. Right? 1:53:28

21 A. This is correct, after the fact. Yes.

22 Q. Okay. And it had not been working for at  
23 least eight days, correct?

24 A. That I found out later. This is true. 1:53:40

25 Q. Okay. And you were the dispatcher for Jimmie

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1 Dale Cox, right?

2 A. Yes, sir.

3 Q. Okay. You're the safety person for Murray  
4 Brothers, LLC, correct?

1:53:49

5 A. This is correct.

6 Q. Okay. And you spoke to probably Jimmie Dale  
7 Cox every day when he's on the road via dispatch,  
8 right?

9 A. This is true.

1:53:59

10 Q. Okay. And were you asking him to submit his  
11 logs?

12 A. Was I asking him to -- with the ELD, we don't  
13 -- that was a brand new thing, and we've only had them  
14 that month.

1:54:14

15 So we was both kind of in the dark about  
16 everything about them. But he did not -- you do not  
17 submit electronic logs. You have to get them off the  
18 damn computer.

1:54:23

19 Q. Okay. Were you monitoring his logs on the  
20 computer?

21 A. I was not at the time. Like I said, I check  
22 them once a month, sir.

23 Q. Okay. Did you feel you had no responsibility  
24 to monitor his logs on the computer or the written logs  
25 if the electronic version was not available?

1:54:41

1 MR. HENDERSON: Objection. Misstates  
2 testimony.

3 THE WITNESS: As I said, I -- we check them  
4 once a month, sir.

5 BY MR. DEFFET:

6 Q. So no one was -- no -- only once a month  
7 someone was checking his electronic logs that were  
8 submitted?

1:54:55

9 A. Yes. And we didn't even have it once a  
10 month. We didn't --

11 Q. Okay.

12 A. -- even have it a month at -- so far, we --  
13 we put them in the truck on March 31st. They had to be  
14 in the truck by April 1st, 2019.

1:55:07

15 Q. Okay.

16 A. It was a brand new -- it was brand new to us,  
17 sir.

18 Q. So if that's the case, why don't you have any  
19 copies of the written logs prior to that date for  
20 Jimmie Dale Cox?

1:55:16

21 A. I did have.

22 Q. Yeah, but they've been destroyed?

23 A. Yes, sir.

24 Q. When --

25 A. That was over --

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1 Q. -- did you --

2 A. -- two and a half years -- that was --

3 Q. When --

4 A. -- two and a half years ago, sir. 1:55:25

5 Q. When did you destroy Jimmie Dale Cox's logs?

6 A. I told you I keep them for six months and the  
7 seventh month they get throwed away.

8 Q. When --

9 A. Everything --

10 Q. -- did you -- when did you throw away Jimmie  
11 Dale Cox's logs? 1:55:40

12 A. Okay. For March of 2018?

13 Q. Let's start there. Yes.

14 A. They probably would've been throwed away in  
15 October of 2018.

16 Q. How did you get rid of them? 1:55:56

17 A. They would have --

18 THE RECORDER: I'm sorry. Could you repeat  
19 that for the record? I missed it.

20 BY MR. DEFFET:

21 Q. How did you get rid of the logs in October  
22 2018? 1:56:07

23 A. We just throw them in the trash, sir.

24 Q. Threw them in the trash where?

25 A. At the landfill. In our trash. And they get

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1 picked up by the garbage truck and they take them to  
2 the landfill. 1:56:21

3 Q. Did you feel you had no duty to keep the logs  
4 when an accident had happened on April 29, '18?

5 A. I -- I felt like -- no, I didn't have -- no.

6 Q. Okay. You're familiar with the Federal Motor  
7 Carrier Statute, right? 1:56:37

8 A. Which is what? Which one are you talking  
9 about? There's a lot of them.

10 Q. You don't know -- you know what the Federal  
11 Motor Carrier Statute is, right? 1:56:49

12 A. Yes.

13 Q. Okay. So you know when there's an accident,  
14 you're supposed to preserve the logs prior to the  
15 accident, leading up to the date of the accident,  
16 right? 1:57:00

17 A. And like I told you, sir, he had electronic  
18 log, and it was all on a computer.

19 Q. So are you saying it's --

20 A. So we --

21 Q. -- still available? 1:57:09

22 A. I would not -- I don't know. I would say  
23 J.J. Keller probably only keeps them for six months  
24 too.

25 Q. How -- who is the person at the company that

Page 120

1 monitors J.J. Keller's electronic logging for your  
2 drivers and your trucks?

1:57:25

3 A. That would be me.

4 Q. Okay. And what have you done to preserve any  
5 logs since the accident happened?

6 A. I have not preserved none.

1:57:35

7 Q. And did you feel you did not have a duty to  
8 do so even though a major incident happened where  
9 approximately ten to 12 people sustained major  
10 injuries?

11 A. I did not keep no logs, sir. They're --

1:57:49

12 Q. Okay.

13 A. -- all been destroyed.

14 Q. You didn't keep the logs because you knew  
15 they were not kept and there were violations of the  
16 statute. Isn't that true?

1:57:59

17 MR. HENDERSON: Objection.

18 THE WITNESS: That is not --

19 MR. HENDERSON: Argumentative.

20 THE WITNESS: -- true.

21 BY MR. DEFFET:

22 Q. You knew --

23 THE RECORDER: Could you repeat --

24 BY MR. DEFFET:

25 Q. -- that if --

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1 THE RECORDER: -- that objection?

1:58:05

2 MR. HENDERSON: Argumentative.

3 THE RECORDER: Thank you.

4 BY MR. DEFFET:

5 Q. You knew that if you provided the logs, they  
6 would clearly demonstrate that your drivers were  
7 violating the hours of service regulations and other  
8 regulations. Isn't that correct?

1:58:20

9 MR. HENDERSON: Objection. Argumentative,  
10 assumes facts not in evidence.

11 THE WITNESS: Absolutely not.

12 BY MR. DEFFET:

13 Q. Do you believe that Murray Brothers has a  
14 duty to operate its trucks safely?

1:58:33

15 A. I do.

16 Q. Is that important?

17 A. Yes, it's important.

18 Q. Why is that important?

19 A. It's important for a lot of reasons.

1:58:47

20 Q. What reasons?

21 A. Safety, dependability, delivery on time.

22 Safety --

23 Q. What --

24 A. -- to community.

25 Q. What kind of things go into operating safely?

1:59:01

1 A. There's quite a few.

2 Q. Can you name some?

3 A. What do you mean?

4 Q. What kind of things go into operating safely?

5 A. Safe equipment, safe drivers, rested drivers.

6 It's a --

7 Q. Do you --

8 A. -- pretty broad question.

1:59:25

9 Q. Do you think Jimmie Dale Cox is a safe  
10 driver?

11 A. I think he is. Yes. That's my opinion.

12 Q. Even after this incident?

13 A. Accidents happen every day, sir.

1:59:39

14 Q. Yeah, but people don't get practically  
15 disabled for life, incurring millions of dollars of  
16 damage every day. You'd agree with that, right?

17 MR. HENDERSON: Objection. Misstates  
18 evidence. And assumes facts.

1:59:51

19 THE WITNESS: No, I'd say somebody gets  
20 mangled every day in a vehicle.

21 BY MR. DEFFET:

22 Q. If it was someone in your family, would you  
23 be so cavalier that someone got mangled and just said  
24 accidents happen every day?

2:00:01

25 MR. HENDERSON: Object. Mischaracterizes

1 testimony as cavalier.

2 THE WITNESS: No, sir, I've been down that  
3 road myself.

4 BY MR. DEFFET:

5 Q. Okay. Are you aware that my client has  
6 permanent scarring as a young female woman for life  
7 that she'll never be able to get rid of? She has to  
8 carry that with her for the rest of her life.

9 MR. HENDERSON: Objection.

10 THE WITNESS: I'm --

11 MR. HENDERSON: Assumes facts.

12 THE WITNESS: No, sir, I was not -- I'm not  
13 aware of it, but my prayers and heart goes out for  
14 everybody that was involved in the accident.

2:00:32

15 BY MR. DEFFET:

16 Q. I appreciate it, but prayers won't help her  
17 now. Because she's already got scarring on her face.  
18 And you could've stopped Jimmie Dale Cox from driving  
19 based on his record, but you didn't do it, did you?

2:00:43

20 MR. HENDERSON: Objection. Assumes facts,  
21 argumentative.

22 THE WITNESS: Huh.

23 BY MR. DEFFET:

24 Q. What kind of driver would you consider to be  
25 not safe?

2:00:56

1 A. That's a broad -- that's a pretty broad  
2 statement, sir.

3 Q. Have you ever suspended a driver for not  
4 operating safely?

5 A. Most certainly have.

6 Q. Who have you suspended?

2:01:13

7 A. Robert Romero.

8 Q. And when was --

9 A. And --

10 Q. -- that?

11 A. And Robin Ervin. Probably Robert Romero got  
12 dismissed end -- end of 2011 and Robin was dismissed in  
13 -- I think it was 2009.

2:01:35

14 Q. Romero, R-O-M-E-R-O?

15 A. Exactly. Yes, sir.

16 Q. Ervin, E-R-V-I-N?

17 A. Exactly. Yes, sir.

2:01:45

18 Q. Okay. What did they do that was not safe?

19 A. Robin Ervin was -- he failed the drug policy.

20 And Robert Romero had two accidents within one week.

21 And he was --

2:01:59

22 Q. When were the --

23 A. -- let go --

24 Q. -- accidents?

25 A. One was in Tennessee and one was in Virginia.

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1 Q. When were they?

2 A. Back in 2000 -- November 2011, within the  
3 week -- one week of each -- within three days of each  
4 other, actually.

2:02:14

5 Q. And why did you fire Mr. Ervin?

6 A. Failure for a drug policy.

7 Q. I'm -- I'm --

8 A. Policy --

9 Q. -- sorry. Mr. -- Mr. Romero. I mean Mr.  
10 Romero. Why did you fire Mr. Romero?

2:02:27

11 A. Two accidents within one -- less than a week.

12 Q. Was anyone injured during the accidents?

13 A. The lady in Virginia was -- no, she -- no,  
14 just some car -- car damage. But -- I mean she went to  
15 a doctor, but she was fine. She just got checked out.

2:02:47

16 Q. What, if any, prior records did they have  
17 before these incidents happened that you gave them  
18 points for?

19 A. Prior to this?

20 Q. Yeah. Was there anything --

2:03:05

21 A. Prior --

22 Q. -- that you noticed on -- on their driving  
23 record prior to these accidents happening?

24 A. No, nothing -- nothing prior -- not prior to  
25 letting them go.

2:03:15

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1 Q. Okay. So they only had these accidents and  
2 the drug test on the record and that's it?

3 A. Yeah. The drug test, yeah, it was -- that's  
4 immediate dismissal. You -- failure for a drug test  
5 is, yes. 2:03:26

6 Q. Okay. Did they --

7 A. He --

8 Q. -- have any --

9 A. -- he --

10 Q. -- speeding tickets or violations prior to  
11 that date?

12 A. Mr. Romero had a couple speeding tickets,  
13 yes. 2:03:36

14 Q. How many speeding tickets did he have prior  
15 to -- to you terminating him?

16 A. Two.

17 Q. Two convictions? 2:03:43

18 A. And then -- and then the two accidents in a  
19 -- in a -- within a span of three or four days.

20 Q. Anybody else besides these two that you  
21 suspended or fired? 2:03:55

22 A. Not that I recall. I think them's the only  
23 two, sir.

24 Q. Do you believe that Murray Brothers has a  
25 duty to provide the management and financial support

Page 127

1 necessary to operate safely?

2 A. Could you rephrase that, please? 2:04:13

3 Q. Do you believe that Murray Brothers has a  
4 duty to provide the management and financial support  
5 necessary to operate safely?

6 A. Yes. 2:04:24

7 Q. Why is that important?

8 A. It's in their -- it's important for -- you  
9 mean it's -- how come safety's important?

10 Q. I -- I'm sorry, but I can't -- I can't answer  
11 questions for you. You just have to answer the  
12 questions that I ask. 2:04:39

13 A. Okay. Rephrase, please.

14 Q. Do you believe Murray Brothers has a duty to  
15 provide management and financial support necessary to  
16 operate the company safely? 2:04:52

17 A. Yes. I believe we have a lot of duties to  
18 do.

19 Q. Okay. And what have you done to encapsulate  
20 those goals for Murray Brothers, LLC?

21 A. We try to keep our equipment up, try to keep  
22 safe drivers. 2:05:06

23 Q. Okay. What do you do to train drivers when  
24 they're hired?

25 MR. HENDERSON: Objection. Asked and

Page 128

1 answered.

2 THE WITNESS: What do we do to train? We  
3 don't really train them. I mean, everybody's ever went  
4 to work for us has had -- been experienced drivers. 2:05:24

5 They've all -- they -- I've not hired no  
6 young drivers. They've all had at least -- probably at  
7 least ten years of service or more from somewhere else. 2:05:33

8 BY MR. DEFFET:

9 Q. Okay. Does that mean they're safe drivers?

10 A. Doesn't mean they're safe drivers. It means  
11 experienced drivers. But they were probably safer than  
12 a lot of young people, yes. 2:05:44

13 Q. Okay.

14 A. In my --

15 Q. Do you --

16 A. -- opinion.

17 Q. Do you consider Mr. Cox a safe driver?

18 A. I consider him a good driver. 2:05:51

19 Q. Did you --

20 A. Good --

21 Q. -- consider --

22 A. -- depend -- good, dependable, honest driver.

23 I could -- I think Mr. Cox is. 2:05:59

24 Q. Did you consider him a safe driver before  
25 this incident happened?

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1 A. Yes.

2 Q. Do you believe that Murray Brothers has a  
3 duty to counsel and correct drivers who may have unsafe  
4 driving habits or practices?

2:06:11

5 A. Sure, we'll -- we'll try. We'll try to help  
6 them any way we can.

7 Q. How do you do that?

8 A. Just set and explain to them we've gotta slow  
9 down and just take our times.

2:06:23

10 Q. What else do you do?

11 A. That's really about it.

12 Q. Do you believe Murray Brothers has a duty to  
13 prevent accidents?

14 A. Well, we try our best. Yes.

2:06:40

15 Q. Is that important?

16 A. Sure it's important.

17 Q. Why is that important?

18 A. Lot of things are important in a trucking  
19 company.

2:06:49

20 Q. Why is that important to prevent accidents?

21 A. To keep the community safe, sir.

22 Q. Do you believe Murray Brothers has a duty to  
23 stop unsafe driving practices?

24 A. Yes.

2:07:06

25 Q. Why is that important?

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1           A.     As I said once before, to keep everybody safe  
2     on the highways and in the community.

3           Q.     Should a good truck company learn from its  
4     mistakes?

2:07:16

5           A.     They should.   Yes.

6           Q.     If unsafe practices result in the loss of  
7     property or life, should a company learn from those  
8     mistakes?

9           A.     They should -- they should try.   Yes.

2:07:31

10          Q.     Should a company make changes to ensure those  
11     mistakes do not occur again?

12          A.     Yes.

13          Q.     Would it be reckless for a trucking company  
14     to operate without making safety a priority?

2:07:45

15                 MR. HENDERSON:   Objection.   Improper  
16     hypothetical.   Vague.

17                 THE WITNESS:    Could you ask that again, sir?

18     BY MR. DEFFET:

19          Q.     Would it be reckless for a trucking company  
20     to operate without making safety a priority?

2:07:59

21                 MR. HENDERSON:   Same objections.

22                 THE WITNESS:    Yeah, I mean, safety is a goal  
23     of ours, yeah.   It's one of many -- many goals that we  
24     have at Murray Brothers.   Yes.

2:08:08

25     BY MR. DEFFET:

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1 Q. Would it be reckless for a trucking company  
2 to hire drivers with unsafe driving habits or  
3 practices?

4 MR. HENDERSON: Same objection.

5 THE WITNESS: Yes. 2:08:19

6 BY MR. DEFFET:

7 Q. Does Murray Brothers accept responsibility  
8 for its drivers who are negligent and cause wrecks?

9 MR. HENDERSON: Same objections. 2:08:28

10 THE WITNESS: Would they accept what, sir?

11 BY MR. DEFFET:

12 Q. Does Murray Brothers accept responsibility  
13 for its drivers who are negligent and cause wrecks? 2:08:38

14 MR. HENDERSON: Objection. Vague, improper  
15 hypothetical.

16 THE WITNESS: I mean -- I mean, if they work  
17 for us, I mean, yeah, I mean, we'll try our best.

18 BY MR. DEFFET:

19 Q. Does Murray Brothers accept responsibility if  
20 its employees allow unsafe practices to continue? 2:09:00

21 MR. HENDERSON: Objection. Vague, improper  
22 hypothetical. Calls for speculation.

23 THE WITNESS: Yes.

24 BY MR. DEFFET:

25 Q. Is the safety department at Murray Brothers

Page 132

1 involved in supervising drivers who have safety  
2 violations?

2:09:13

3 MR. HENDERSON: Same objections.

4 THE WITNESS: Yes.

5 BY MR. DEFFET:

6 Q. Is the safety department at Murray Brothers  
7 involved in supervising drivers whose logbooks reflect  
8 unsafe practices?

2:09:27

9 MR. HENDERSON: Same objections.

10 THE WITNESS: Yes.

11 BY MR. DEFFET:

12 Q. Are -- are you -- is your testimony that  
13 Jimmie Dale Cox never had a problem with his logs; he  
14 kept his logs in order all the time?

2:09:42

15 MR. HENDERSON: Objection. Misstates prior  
16 testimony.

17 THE WITNESS: If you're on the road very  
18 long, sir, you're going to have a few logbooks  
19 violations. I'm just going to tell you.

2:09:52

20 BY MR. DEFFET:

21 Q. That's not the question --

22 A. Jimmie --

23 Q. -- I asked.

24 A. Well --

25 Q. Is it your --

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1 A. -- that's the way --

2:09:57

2 Q. -- testimony that Jimmie Dale Cox kept his  
3 logs in proper working for you?

4 A. He kept them best he -- yeah, he kept them  
5 good. The majority of the time, yes.

2:10:09

6 Q. Okay.

7 A. Everybody has a -- a mistakes. Yes.

8 Q. What mistakes did he do with his logs?

9 A. Well, he forgets to take a break sometimes,  
10 didn't take a 30-minute break and an eight-hour break  
11 sometimes, and just different little things.

2:10:26

12 Forgot to put the BL -- the BL number on a  
13 log before. Just simple -- just pretty simple stuff.

14 Q. And what remedial things did you do to  
15 correct those actions and help him to become a better  
16 driver?

2:10:42

17 A. Just sat down and explained to him he's going  
18 to have to do a better job with his logbooks.

19 Q. But you didn't assess him any points?

20 A. No, sir.

2:10:49

21 Q. Is the safety department at Murray Brothers  
22 involved in supervising new drivers whose logbooks  
23 reflect unsafe practices?

24 A. We try, sir.

2:11:00

25 Q. What are the employment qualifications for

Page 134

1 new drivers hired by Murray Brothers, LLC?

2 A. CDL. Good MVR. Good past working

3 relationships with his other company. Safe driver. 2:11:26

4 Q. What is the purpose of logs?

5 A. Just to keep the driver from being fatigued

6 in -- during the day, I guess.

7 Q. Are they important? 2:11:41

8 A. I guess they are.

9 Q. Why are they important?

10 A. As I explained, to keep the driver's fatigue  
11 down.

12 Q. Do you train your drivers to complete the  
13 logs accurately? 2:11:58

14 A. I try my very best, yes, sir.

15 Q. Do you evaluate your drivers based on their  
16 logs?

17 A. What -- what do you mean evaluate? You mean  
18 by pay raise or such as that or bonuses or what do you  
19 mean, evaluate? 2:12:16

20 Q. I think the question's --

21 A. I don't --

22 Q. -- clear. Please answer the question.

23 MR. HENDERSON: I'm going to object as vague.

24 THE WITNESS: Yes. We -- 2:12:27

25 BY MR. DEFFET:

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1 Q. Do you have software for monitoring or  
2 reviewing the logs?

3 A. No, sir, we don't. We ain't much on  
4 computers or nothing, sir. 2:12:37

5 Q. What is your policy with regard to monitoring  
6 or reviewing the logs?

7 A. Just looking over them once a month, going  
8 through them all, each driver's once a month. 2:12:47

9 Q. Who does it, when is it done, where, how, and  
10 what is done regarding the logs?

11 MR. HENDERSON: Objection. Compound. 2:12:57

12 THE WITNESS: It's done at Murray Brothers'  
13 office.

14 BY MR. DEFFET:

15 Q. How is it done?

16 A. As I say, we just take each -- each driver's  
17 log -- there's only like six guys -- and just go  
18 through them, just run through them and check them out  
19 and make sure they're doing what they're supposed to be  
20 doing. 2:13:18

21 Q. Run through them how? On a computer?

22 A. No, sir. I just told you we don't use  
23 computers.

24 Q. So when do you print out the logs if they're  
25 all electronic, according to what you said? 2:13:29

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1 A. We do not have electronic logs no more, sir.

2 Q. You said they're submitted to J.J. Keller.

3 Correct?

4 A. That was back in 2018. We do not have that

5 no more. 2:13:40

6 Q. Okay. So you don't have ELDs on your trucks  
7 anymore?

8 A. This is correct.

9 Q. Okay. In 2018, prior to the incident, how  
10 did you review the logs with the drivers? 2:13:55

11 A. Through J.J. Keller, sir.

12 Q. And how would you do that?

13 A. Well, you had to use a computer then.

14 Q. Did you --

15 A. That's why we don't --

16 Q. -- use a computer? 2:14:09

17 A. Yeah, but not very well.

18 Q. How did you go over the logs on the computer  
19 with your drivers in 2018 prior to the incident?

20 A. I would call J.J. Keller and have them walk  
21 me through it. 2:14:23

22 Q. So did you eventually learn how to do it?

23 A. Not very well, sir.

24 Q. Did anyone else at your company learn how to  
25 do it?

Page 137

1 A. No, sir. Just Larry and myself, sir.

2:14:36

2 Q. Okay. And did you and Larry sit down with  
3 your drivers and teach them how to complete and review  
4 their own logs?

5 A. We tried.

6 Q. How did --

7 A. Nobody --

8 Q. -- you try?

2:14:48

9 A. -- was willing -- Well, we just -- we -- like  
10 I said, most of the guys are older. I was probably one  
11 of the younger guys there. And nobody's really  
12 interested, and that's why we don't have them no more.

2:14:57

13 Q. Okay. Isn't it your responsibility in 2018  
14 to make sure they're interested so you know that your  
15 drivers are safe on the roads so they don't destroy  
16 people's lives?

2:15:08

17 MR. HENDERSON: Objection. Argumentative.

18 THE WITNESS: Yes.

19 BY MR. DEFFET:

20 Q. Okay. So why did you not take it seriously  
21 and just let them slough it off?

2:15:17

22 A. I don't --

23 MR. HENDERSON: Objection. Misstates --

24 THE WITNESS: -- I --

25 MR. HENDERSON: -- testimony.

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1 THE WITNESS: I don't --

2 MR. HENDERSON: Assumes facts.

3 THE WITNESS: -- remember -- I don't remember

4 anybody saying it wasn't serious. 2:15:25

5 BY MR. DEFFET:

6 Q. Okay. Well, you seem to be taking a very  
7 laissez-faire approach to training them. So why don't  
8 you tell me specifically how you trained them in 2018  
9 to complete and review their logs? 2:15:36

10 MR. HENDERSON: Objection --

11 THE WITNESS: We --

12 MR. HENDERSON: -- to counselor's  
13 characterization of the testimony.

14 THE WITNESS: We just went through it with  
15 J.J. Keller and tried to -- tried to pick it up best we  
16 could. 2:15:46

17 BY MR. DEFFET:

18 Q. Explain to me step by step how you do it with  
19 J.J. Keller on the computer.

20 A. They just got us set up on the ELD logs and  
21 tried to show each driver how to do it. And like I  
22 said, we just -- it just took us a while to pick it up. 2:16:00

23 And just -- like I said, it was new to all of  
24 us. No -- nobody that ever worked there had ever  
25 worked for a company that had the ELDs. It was -- you

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1 know, they just kind of brought it on us, and we just  
2 waited till the very end to put them in there because  
3 they kept telling us we was going to have to -- we  
4 might get exemption from having ELDs.

2:16:22

5 Small fleet companies -- they was maybe going  
6 to not let them not have -- we -- we might not have to  
7 put them in our trucks. And --

8 Q. You --

9 A. -- like I said, all the -- all the gentlemen  
10 that work for me are older guys, and we just -- it's  
11 just a little bit tougher for us.

2:16:37

12 We wasn't young guys was computer -- was  
13 computer whizzes. None of us are.

14 Q. You still haven't explained to me how you  
15 logged in to the Keller system and how you trained  
16 them. I want you to step by step tell me how it's  
17 done.

2:16:49

18 A. Well, I really don't know how it's done, sir.  
19 I just -- we log in there, you give them a password,  
20 and they set it up in the -- when they -- when they  
21 start their trucks.

2:17:00

22 They gotta click onto the -- the computer. I  
23 -- I really didn't do very much of it, sir. I didn't  
24 really understand it very well.

2:17:07

25 Q. Then who was --

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1 A. Just being honest.

2 Q. -- responsible for training the drivers if  
3 you didn't know how to do it?

4 A. They just tried to train themselves. 2:17:17

5 Q. If a driver's logs indicated he drove at an  
6 average speed of 70 miles per hour, would you consider  
7 that too fast?

8 A. Well, speed limit's 70 mile an hour in most  
9 -- in -- in most states anymore, sir. 2:17:35

10 Q. If a driver's logs indicated he drove at an  
11 average speed of 70 miles per hour, would you consider  
12 that too fast?

13 MR. HENDERSON: Objection. Assumes facts,  
14 improper hypothetical. Vague. 2:17:46

15 THE WITNESS: If the state speed limit says  
16 they can run 70, I guess they can run 70, sir.

17 BY MR. DEFFET:

18 Q. But if the logs indicated an average speed of  
19 70, would you consider that too fast? 2:17:59

20 MR. HENDERSON: Same objections.

21 THE WITNESS: It's according to where they're  
22 at. If they're running out west and there's no traffic  
23 out through there, it would be fine, I would say. 2:18:09

24 If that's -- if that's the legal speed limit  
25 at the time of where they're at.

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1 BY MR. DEFFET:

2 Q. In your answers to discovery, your attorneys  
3 provided me two lease agreements with Piramal Glass,  
4 one dated January 1, '19, and one dated January 27,  
5 '19. 2:18:34

6 Are there any other agreements that you've  
7 had with Piramal at all in the existence of Murray  
8 Brothers, LLC?

9 A. I mean, we had a -- a -- no ones for the  
10 truck and ones for the hauling the freight, I guess.  
11 They just come out with that after the accident. 2:18:53

12 Q. What was your agreement with Piramal Glass  
13 prior to this April 29, '18, incident?

14 A. We just -- we were just at contract hauler,  
15 sir, to haul their freight. 2:19:09

16 Q. What communication did you have with Piramal  
17 Glass regarding where you're supposed to go, how much  
18 you were going to get paid, who's responsible to  
19 maintain the truck, who's responsible for insurance,  
20 who's responsible to make sure the driver's safe? 2:19:25

21 MR. HENDERSON: Objection. Compound.

22 THE WITNESS: The -- the person -- the -- the  
23 -- talking about the people that I deal with at  
24 Piramal?

25 BY MR. DEFFET:

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1 Q. You as the owner of the company, Murray

2 Brothers --

2:19:38

3 A. Uh-huh.

4 Q. -- LLC, if you had no, quote-unquote,

5 agreement in place, who's responsible to make sure that

6 the driver is safe, who's responsible to tell you how

7 much the freight is going to be paid, who's responsible

8 to monitor the driver's logs, who's responsible to make

9 sure there's insurance?

2:19:55

10 MR. HENDERSON: Objection. Compound, vague.

11 THE WITNESS: That would be Murray Brothers.

12 Larry -- Larry Murray and Lee Murray.

13 BY MR. DEFFET:

14 Q. So the January 1, '19, agreement states

15 specifically that Piramal Glass is the lessee and

16 Murray Brothers is the lessor. Correct?

2:20:16

17 A. Yes.

18 Q. And that the lessee, Piramal Glass, will only

19 allow those drivers pre-authorized or its

20 representative to drive the tractor that you own.

21 Right?

2:20:30

22 MR. BLASER: Objection. Relevance. And Tim,

23 can you identify the Bates number that you're looking

24 at, please?

25 MR. DEFFET: Sure. That's fair. Let me pull

Page 143

1 up the agreement, okay?

2:20:39

2 THE WITNESS: That -- that's the --

3 MR. DEFFET: Give me a second.

4 THE WITNESS: -- signed agreement. Yeah,  
5 it's --

6 MR. DEFFET: Give me one second. Sorry. I  
7 got one. I just want to make sure I got both, okay?

2:21:18

8 MR. BLASER: Uh-huh.

9 (Exhibit No. 5 marked for identification.)

10 BY MR. DEFFET:

11 Q. Okay. Can you see this lease agreement dated  
12 January 1, '19, on the screen, Mr. Murray?

2:21:46

13 A. I can, sir.

14 Q. Okay. It's two pages, and this was provided  
15 by your attorneys in discovery. I'm going to make this  
16 Exhibit 5 I think I'm at, okay?

2:21:55

17 A. That's fine.

18 Q. Do you see where the mouse is, it says (as  
19 read): Allow only those drivers pre-authorized by  
20 lessee or its representative to drive the tractor,  
21 right?

2:22:08

22 A. Sir, this is a -- this is one truck. It's a  
23 day cab truck they use locally --

24 Q. Please answer the question I'm asking. And  
25 then --

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1 A. I -- I'm --

2:22:19

2 Q. -- later your attorneys can ask you questions  
3 if they want to follow up. So I'm asking you right  
4 now, for this January 1, '19, agreement, the first  
5 paragraph 1 here says (as read): Lessee, meaning  
6 Piramal, will only authorize drivers pre-authorized by  
7 Piramal to drive the tractor.

8 Is that correct?

2:22:38

9 MR. BLASER: Objection to --

10 MR. HENDERSON: Objection --

11 MR. BLASER: -- relevance.

12 MR. HENDERSON: -- to relevance.

13 THE WITNESS: That's correct.

14 BY MR. DEFFET:

15 Q. Okay. And that --

2:22:42

16 THE RECORDER: Hold -- hold on. I need both  
17 of those objections restated.

18 MR. BLASER: Tucker Blaser. Relevance.

19 MR. HENDERSON: I had the same.

20 BY MR. DEFFET:

21 Q. And that the lessee would provide tractor  
22 orientation for drivers. Right?

2:22:57

23 MR. BLASER: Same objection. And I -- Tim, I  
24 -- can I have a running objection just to the -- all  
25 questions involving this January 1, 2019, lease

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1 agreement? 2:23:07

2 MR. DEFFET: Yes. I would appreciate that.

3 I -- I acknowledge that objection for both agreements.

4 I know you're going to state it for the November 27,

5 '19, and the January 1, '19. Correct? 2:23:17

6 MR. BLASER: Correct.

7 MR. HENDERSON: And can I --

8 MR. DEFFET: Is that in agreement --

9 MR. HENDERSON: -- have the same --

10 MR. DEFFET: -- from the others? Same

11 objections from other defendants, right? 2:23:28

12 MR. HENDERSON: Thank you, Counsel.

13 MR. DEFFET: Okay. Okay. All right.

14 BY MR. DEFFET:

15 Q. So in this January 1, '19, agreement, and you

16 can see it on the screen, it says (as read): The

17 lessee, Piramal, will provide training orientation for

18 drivers.

19 Right? 2:23:41

20 A. Yes.

21 Q. Okay. And that they're not to subcontract

22 this tractor for purposes of providing service. Right?

23 A. Yes. 2:23:54

24 Q. Okay. That they will complete a mileage and

25 trip cost report while in operation. Right?

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1 A. Yes.

2 Q. That Piramal will provide the motor carrier  
3 insurance coverage. Correct?

2:24:06

4 A. Yes.

5 Q. And that Piramal will hold harmless any legal  
6 liability with respect to bodily injury, death, and  
7 property damage arising from the negligence of Piramal  
8 during the use of the tractor.

2:24:25

9 A. Yes.

10 Q. Now, I'm going to stop share for a second.  
11 What is your understanding and what orientation  
12 training did Piramal provide your drivers after this  
13 agreement was entered into?

2:24:44

14 A. Not one of my drivers drove that truck.  
15 That's their driver, sir. We --

16 Q. Okay.

17 A. -- all we do is -- all we do is own the  
18 truck. We lease it to them. They have their own  
19 driver.

2:24:57

20 Jamie Coleman was the only driver they had  
21 that was driving that truck, period. No Murray  
22 Brothers drivers drove that truck. Period.

2:25:05

23 Q. Okay. You drove -- your company drove for  
24 Piramal prior to this January 1, '19, agreement, right?

25 A. Sure.

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1 Q. Okay. And did you lease your tractors to  
2 Piramal prior to this January 1, '19, agreement?

2:25:21

3 A. We've never leased our tractors to Piramal.  
4 No, sir.

5 Q. Okay. And is it true that your company had  
6 other lease agreements besides this January 1, '19,  
7 agreement?

8 A. We -- now -- now, re-ask again, sir?

2:25:42

9 Q. Yes. You had other agreements with Piramal  
10 besides the January 1, '19, agreement, right?

11 A. We had one in November of '19, yes.

12 Q. Okay. You were doing business with Piramal  
13 with Murray Brothers, LLC, company prior to January --  
14 prior to January 2019, right?

2:26:04

15 A. Yes, sir.

16 Q. Okay. What type of business were you doing?

17 A. Contract freight.

18 Q. Contract --

19 A. We was --

20 Q. -- what?

21 A. -- we was a -- we was a contract hauler for  
22 hauling their freight.

2:26:16

23 Q. Okay. And what responsibilities does a  
24 contract hauler have regarding paperwork if they're  
25 driving over the road for a company like Piramal?

2:26:26

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1 A. What kind of paperwork?

2 Q. Yes.

3 THE WITNESS: I don't understand what he's  
4 wanting.

5 BY MR. DEFFET:

6 Q. Under federal law, isn't Murray Brothers,  
7 LLC, required to keep paperwork when they're driving  
8 for a shipper on the road in 2018?

2:26:50

9 MR. HENDERSON: Objection. Vague, calls for  
10 a legal opinion.

11 THE WITNESS: I don't understand what kind of  
12 paperwork you're asking for, sir. I don't -- I mean,  
13 we got bills of lading. We -- we back up --

2:27:03

14 BY MR. DEFFET:

15 Q. There you go.

16 A. -- there.

17 Q. Yes.

18 A. We back -- we back up there, pick up a load,  
19 have a bill of lading, and deliver it to their  
20 customer.

2:27:10

21 Q. Okay.

22 A. That's -- that -- that was our job. For  
23 Piramal Glass.

24 Q. Why suddenly in 2019 did Piramal start doing  
25 agreements with you, lease agreements?

2:27:20

1 A. I would --

2 MR. BLASER: That --

3 THE WITNESS: -- I would say --

4 MR. BLASER: -- mischaracterizes --

5 THE RECORDER: I'm sorry. Could you repeat

6 that?

7 MR. BLASER: Yeah. Tucker Blaser.

8 Objection. Mischaracterizes testimony, foundation. 2:27:32

9 MR. DEFFET: I'll ask it again. He's -- I'm  
10 going to ask the same question. I think the  
11 objection's noted. Just so we're clear.

12 BY MR. DEFFET:

13 Q. Why did Piramal start doing lease agreements  
14 with Murray Brothers, LLC, starting in 2019? 2:27:50

15 MR. BLASER: Same objection.

16 THE WITNESS: My guess would be after the  
17 accident, sir.

18 BY MR. DEFFET:

19 Q. Okay. Your testimony is you never had any  
20 sort of signed document besides a bill of lading with  
21 Piramal Glass prior to 2019. 2:28:06

22 A. That would be correct, I believe, yes, sir.

23 Q. Okay. Is it true that you operated under the  
24 same standards that were listed in these lease  
25 agreements when you did prior work for Piramal Glass? 2:28:19

1 MR. HENDERSON: Objection. Assumes facts --

2 MR. BLASER: Objection. Foundation.

3 MR. HENDERSON: Calls for speculation.

4 BY MR. DEFFET:

5 Q. You have to answer the question, Mr. Murray. 2:28:32

6 A. Yes.

7 Q. Okay. So even though this was memorialized  
8 in writing in 2019, you operated under the same  
9 standards prior to 2019. It was just put in writing in  
10 2019. Correct? 2:28:47

11 A. This --

12 MR. HENDERSON: Same objections.

13 MR. BLASER: Same objections.

14 THE WITNESS: This -- this is correct.

15 BY MR. DEFFET:

16 Q. Okay. So in your practice, nothing actually  
17 changed; it was just put in writing, is that correct,  
18 in 2019? 2:28:59

19 MR. HENDERSON: Same objections.

20 THE WITNESS: This -- this would be correct,  
21 sir.

22 BY MR. DEFFET:

23 Q. Okay. So the terms listed in the January 1,  
24 '19, agreement were the same terms in place in 2018. 2:29:11

25 MR. HENDERSON: Same objections.

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1 MR. BLASER: Yeah. Objection.

2 Mischaracterizes, foundation.

3 BY MR. DEFFET:

4 Q. Please answer the question.

2:29:21

5 A. Yes.

6 Q. The answer was "yes"?

7 MR. DRISCOLL: Hey, Tim, let's take a  
8 five-minute break.

9 MR. DEFFET: Okay. Okay.

10 MR. DRISCOLL: Okay, and call me on my cell.

2:29:31

11 THE RECORDER: Going off the record at 1:48  
12 p.m.

13 (Off the record.)

14 THE RECORDER: We're back on the record at  
15 1:51 p.m.

16 MR. DEFFET: Okay.

2:29:47

17 BY MR. DEFFET:

18 Q. We were talking about the agreements you had  
19 with Piramal. You had an agreement also on February  
20 2013, right, which I had not gotten to yet?

2:29:55

21 A. With Piramal?

22 Q. Yes.

23 A. That was probably with the truck too?

24 Q. I'm asking you. You had an agreement in  
25 February 2013, right?

2:30:07

1 MR. HENDERSON: Do you have a document you  
2 can show him?

3 THE WITNESS: I have a doc- -- yeah. The  
4 document with the truck -- leasing a truck to them,  
5 yes.

6 BY MR. DEFFET:

7 Q. Okay. And what do you recall about that  
8 agreement?

2:30:17

9 A. We just lease a truck and they put their  
10 driver in it and just for their local haul, sir.

11 Q. Okay.

12 A. Murray --

13 Q. And so --

14 A. -- Brothers -- Murray Brothers do not drive  
15 that truck. They drive it. It belongs to them. They  
16 -- all we do is own it and maintain it. And --

2:30:36

17 Q. And --

18 A. -- they just absolute --

19 Q. Sorry. Go ahead.

20 A. They -- they rent it from us. Basically all  
21 it is. Rental agreement.

2:30:44

22 Q. And that's the same terms as these other  
23 agreements, correct?

24 A. Yes, sir.

25 Q. Okay. And that they would provide

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1 orientation for the drivers, right?

2:30:57

2 A. Well, I -- I take that back. It's not the  
3 same agreement. It's a -- it's -- it's a lease  
4 agreement for a truck. It has nothing to do with the  
5 freight that we're hauling.

2:31:07

6 Has nothing to do -- has nothing to do with  
7 us hauling -- Murray Brothers trucks hauling their  
8 freight. This lease agreement has -- it's a -- it's  
9 leasing a truck to them, sir.

2:31:17

10 Q. And that --

11 A. It's --

12 Q. -- Piramal --

13 A. -- all together --

14 Q. -- would have to -- Piramal has to --

15 A. It's --

16 Q. -- provide a --

17 A. -- all together --

18 Q. You gotta -- you -- sorry, but you gotta ask  
19 -- you gotta answer the question I'm asking, you  
20 please, okay?

2:31:26

21 So please answer the question I'm asking. I  
22 asked you if that February 2013 agreement provided,  
23 like the other agreements, that Piramal would provide  
24 orientation for the drivers. Correct?

2:31:39

25 A. Absolutely not.

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1 Q. It did not? Okay. So why -- why was that  
2 agreement different than the ones in 2019?

3 A. You -- you're not -- the truck is a leased  
4 truck, sir, and it has nothing to do with us hauling  
5 the freight. 2:31:57

6 The truck is a truck. Just one truck --

7 Q. Did --

8 A. -- that they use --

9 Q. -- Piramal -- in February of 2013 in that  
10 agreement, did Piramal ask that they pre-authorize the  
11 drivers? 2:32:11

12 A. They take care of their own driver, yes.  
13 They have one driver that drives their truck, sir.

14 Q. In that agreement, February of 2013, did  
15 Piramal agree to hold harmless any legal liability  
16 responsible to injury or death resulting from that  
17 lease agreement? 2:32:33

18 A. From the truck -- the leased truck, yes.

19 Q. So am I correct that these are the only three  
20 agreements that you have with Piramal?

21 A. Yes. 2:32:48

22 Q. Okay. I'm not trying to --

23 THE RECORDER: Mr. --

24 BY MR. DEFFET:

25 Q. -- speak out of --

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1 THE RECORDER: Hold -- one second, Mr.

2 Deffet. Could you turn your camera back on first? 2:32:56

3 MR. DEFFET: Oh, I'm sorry, I'm sorry.

4 THE RECORDER: And then I just wanted to  
5 reiterate for you guys to let each other finish before  
6 you speak.

7 MR. DEFFET: Okay. 2:33:04

8 BY MR. DEFFET:

9 Q. I had this document up, but I'd like to ask  
10 you some questions about it.

11 MR. DEFFET: Does anybody have it available?  
12 I can't seem to locate it. I don't want to pin you  
13 down with terms that are not -- not correct. 2:33:14

14 Does anyone have the February 2013 agreement?

15 MR. BLASER: The -- the lease agreement?

16 MR. DEFFET: Yeah.

17 MR. BLASER: Yeah. I've got it. 2:33:26

18 MR. DEFFET: All right. Could you post it --  
19 could you share it? I'm sorry. My computer's acting  
20 up right now.

21 MR. BLASER: I've got three screens. I'm not  
22 exactly sure if this will share or not, but we'll see.  
23 Let's see. 2:33:51

24 MR. DEFFET: Okay. Can you just maximize it  
25 a little bit, if you would? Thank you. I appreciate

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1 it.

2 BY MR. DEFFET:

3 Q. Okay. So are you able to see this agreement,  
4 the February 1, 2013, agreement, Mr. Murray?

2:34:18

5 A. Yes, I am.

6 Q. Okay.

7 MR. BLASER: And Tim, before you get going,  
8 just as -- just to -- for the court reporter's benefit  
9 and for the record benefit, I still have a continuing  
10 objection to all of the questions pertaining to these  
11 lease agreements as well.

2:34:32

12 MR. DEFFET: Got it. Okay. I think I might  
13 be at 5 or 6 on this. I'm going to mark this as an  
14 exhibit, okay? Whatever the --

15 THE RECORDER: This --

16 MR. DEFFET: -- next one is.

2:34:41

17 THE RECORDER: This will be 6.

18 (Exhibit No. 6 marked for identification.)

19 MR. DEFFET: Okay. Thank you. I'll provide  
20 it after the deposition. I don't think I provided it  
21 in the materials.

22 Tucker, I'm sorry. Could you just scroll  
23 down a little bit to the "Lessee will" part? Thank you  
24 very much.

2:34:54

25 BY MR. DEFFET:

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1 Q. Okay. Now, can see me with the mouse, Mr.  
2 Murray? On the screen?

3 A. Yes. You want about it? Yeah. Which one?  
4 Uh-huh. 2:35:05

5 Q. Okay. So you see 1. This is the same as the  
6 other agreement. It says (as read): Allow only those  
7 drivers pre-authorized by lessee to drive the tractor.

8 Right? 2:35:13

9 A. This is correct.

10 Q. And No. 2 says (as read): Provide tractor  
11 orientation for drivers. Right?

12 A. This is correct. 2:35:21

13 Q. Okay. And No. 6 says (as read): Provide  
14 carrier insurance coverage. Correct?

15 A. That's correct.

16 Q. And No. 8 says (as read): Notwithstanding  
17 any other agreements, lessee will hold harmless, any  
18 legal liability with respect to bodily injury, death,  
19 and property damage arising from the negligence of the  
20 lessee during the use of the tractor.

21 Right? 2:35:40

22 A. This is true.

23 Q. Okay.

24 MR. DEFFET: All right, I'm -- I'm done,

25 Tucker. Thank you very much. I appreciate it. 2:35:47

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1 BY MR. DEFFET:

2 Q. Okay. So February of 2013 to 2019, did you  
3 have any other written agreements in writing with  
4 Piramal?

2:35:59

5 A. No, sir.

6 Q. Okay. So you operated on that agreement from  
7 February 2013. Correct?

8 MR. HENDERSON: Objection. Misstates  
9 testimony.

2:36:09

10 THE WITNESS: The agreement to lease the  
11 truck. I'm just trying to tell you that has nothing to  
12 do with us hauling freight for them. It don't have --  
13 it didn't have nothing to do with that accident.

2:36:18

14 BY MR. DEFFET:

15 Q. Okay. Did you ever terminate or cancel any  
16 of these agreements in February 2013?

17 A. No, sir, we did not.

2:36:26

18 Q. Okay. All right. Bear with me. I don't  
19 have too much longer. I'm not sure who's going to go  
20 up next I think.

21 What is your understanding regarding the  
22 federal motor carrier regulations and keeping a driver  
23 investigation history file?

2:36:58

24 A. You mean accident register thing?

25 Q. I mean a driver investigation history file,

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1 as stated in the federal motor carrier regulations.

2 THE WITNESS: Is he talking about the

3 accident register? Or what's he talking about? 2:37:20

4 MR. HENDERSON: You can ask him to rephrase  
5 or repeat it.

6 THE WITNESS: Could you rephrase it a  
7 different way? I don't understand what you're trying  
8 to ask me. 2:37:28

9 BY MR. DEFFET:

10 Q. I -- I can't. I'm -- I'm ask -- I'm quoting  
11 directly from a regulation.

12 What is your understanding required -- the  
13 general requirements for a driver qualification --  
14 sorry, strike that -- driver investigation history  
15 files? 2:37:41

16 A. What am I investigating, sir?

17 Q. What is your understanding regarding the  
18 federal motor carrier regulations and driver  
19 investigation history files?

20 MR. HENDERSON: Objection. Vague. 2:38:00

21 THE WITNESS: I --

22 BY MR. DEFFET:

23 Q. It's fine if you don't know what it is. If  
24 you don't know, just say you don't know.

25 A. I -- I don't know, sir. I don't know. 2:38:13

1 Q. Okay. Okay. I'm not asking you to answer  
2 anything you don't know the answer to.

3 A. I -- I -- I really don't.

4 Q. Okay.

5 A. I --

6 Q. Okay. That's fine. If you tell me that,  
7 I'll just move on. Okay? All right.

2:38:23

8 A. Okay.

9 Q. What is your understanding regarding the  
10 annual inquiry and review of a driver's record that  
11 works for Murray Brothers, LLC?

12 A. You mean to check their past history? What  
13 do I know about it?

2:38:37

14 Q. Yes.

15 A. Yeah, just -- yeah, you check their -- yeah.  
16 You mean to check their history? Yeah. We do that.  
17 We have PJC Insurance to do that for us.

2:38:48

18 Q. Okay. They do it once every 12 months?

19 A. They do, sir. Every --

20 Q. Okay.

21 A. -- every February.

22 Q. Okay. How come there's only one or two of  
23 those in Mr. Cox's file?

2:39:00

24 A. I don't know how come they're in there, but I  
25 know PJC does it before we renew our insurance every

1 year.

2 Q. And where --

3 A. Because we --

4 Q. -- where are those records kept? 2:39:10

5 A. They would be at -- probably be at PJC

6 Insurance.

7 Q. But you're required to keep those records

8 under the law, so where do you keep them?

9 A. They would be kept at PJC Insurance, sir. 2:39:23

10 Q. But they're an insurance company. You're a  
11 motor carrier. So where do you keep those files?

12 MR. HENDERSON: Objection. Asked and  
13 answered.

14 MR. DEFFET: He hasn't answered. He's just  
15 said PJC keeps it. 2:39:35

16 MR. HENDERSON: That's an --

17 THE WITNESS: Well, that's --

18 MR. HENDERSON: -- answer.

19 THE WITNESS: What -- what else you -- what

20 -- I can't make something happen. I don't have

21 something I don't have. 2:39:43

22 BY MR. DEFFET:

23 Q. Okay. So you don't have it and you did not  
24 keep it.

25 A. Right.

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1 Q. You've never kept the 12-month annual checkup  
2 on the drivers. 2:39:54

3 A. If I need it, I can get it from PJC  
4 Insurance.

5 Q. You have to answer the question. Did you  
6 keep the 12-month review of your drivers?

7 A. No. 2:40:06

8 Q. Did not keep --

9 A. No.

10 Q. -- it for Jimmie Dale Cox. Correct?

11 A. Correct.

12 Q. Who was the person that you communicated with  
13 at Piramal Glass? 2:40:25

14 A. Rebecca Montgomery.

15 Q. Does your wife email with her?

16 A. Does my wife email with her?

17 Q. Does anyone -- doesn't -- doesn't one of your  
18 wives work with the company? 2:40:42

19 A. Larry's wife.

20 Q. I'm sorry. Okay. Does Larry's wife  
21 communicate with anyone at Piramal?

22 A. No, she does not. 2:40:50

23 Q. Okay. How do you communicate with Rebecca?

24 A. By telephone or email.

25 Q. You email with her?

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1 A. Every once in a great while. Most -- 90 --

2 90 percent's by telephone. 2:41:03

3 Q. So when she tells you you need to do some  
4 sort of load or something, she emails you, right?

5 A. Calls me on the telephone. 2:41:14

6 Q. And then she follows up with an email, right?

7 MR. HENDERSON: Objection. Assumes facts.

8 THE WITNESS: I said about 10 percent of the  
9 time she'll email me. Most of the time it's -- 90  
10 percent is on phone, sir. 90 percent. That's quite a  
11 bit. 2:41:28

12 BY MR. DEFFET:

13 Q. And does -- do they fax anything to you?

14 A. No, sir. No.

15 Q. Okay. Well, how do you get a hold of the  
16 paperwork for each load that you do? 2:41:38

17 A. My drive -- I myself or my driver goes up and  
18 picks it up at the traffic window. When the load is  
19 loaded.

20 Q. You don't have --

21 A. If my driver's not going to be in in time, I  
22 go up there and sign the paperwork and have it ready  
23 for my driver. 2:41:54

24 Q. Did Jimmie Dale Cox give you a written  
25 statement after this incident?

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1 A. Did Jimmie Dale Cox give me a written  
2 statement. No, sir.

3 Q. He never gave you anything in writing  
4 regarding this incident. 2:42:11

5 A. Jimmie Dale Cox. No, sir.

6 Q. What was your conversation with him about  
7 what happened on April 29, '18, and why the accident  
8 happened?

9 A. Well, he just called me and said he had an  
10 accident and he calls -- then he only talked to me for  
11 a couple minutes, and I talked to him later on, and he  
12 explained to me that the -- he explained to me a car  
13 swerved over in front of him, is what he told me. 2:42:47

14 That little kid swerved over and hit -- was  
15 in the left lane to avoid a tractor stopped in the road  
16 on the left lane, swerved over to Jimmie. And slowed  
17 down. And then Jimmie hit him. 2:43:00

18 That was Jimmie's -- that's what Jimmie says.

19 Q. Okay. I don't have too much more to go. But  
20 I do have a question for Tucker briefly, okay? 2:43:11

21 MR. DEFFET: The stuff that you emailed me  
22 last night, those agreements -- who are you stating  
23 those -- you're stating those agreements are with  
24 Murray Brothers, correct?

25 MR. BLASER: Yes. What I emailed you last

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1 night is Piramal's internal investigation of bills of  
2 ladings between Piramal and Murray Brothers from the  
3 dates that are stated.

2:43:36

4 I think it's October or May of 2012 through  
5 October of 2018 or vice-versa, October of 2012 through  
6 May of 20- --

7 MR. DEFFET: Okay. Okay. Thank you for  
8 clarifying. I'm just going to ask a few questions and  
9 share that.

2:43:49

10 BY MR. DEFFET:

11 Q. Mr. Murray, was this a document created by  
12 Piramal?

13 MR. DEFFET: Tucker?

14 MR. BLASER: Yes.

2:43:59

15 MR. DEFFET: Okay. Was this something that  
16 was created just for litigation?

17 MR. BLASER: Well, I believe this was -- this  
18 is a search that was done -- compiled through their  
19 internal record system. So --

2:44:14

20 MR. DEFFET: Okay.

21 MR. BLASER: -- it was -- not --

22 MR. DEFFET: All right.

23 MR. BLASER: -- necessarily a document  
24 created by Piramal but a document that was produced  
25 through searches on their internal docket document

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1 system.

2:44:26

2 MR. DEFFET: Okay. So this is for agreements  
3 or bills of lading?

4 MR. BLASER: Correct.

5 MR. DEFFET: Okay.

6 BY MR. DEFFET:

7 Q. Are you seeing this on the screen, Mr.  
8 Murray?

2:44:35

9 A. I am.

10 Q. Okay. It's -- it looks like the first date  
11 listed here is October 18, '12. And it says 2,600  
12 here. Is that -- what does that mean to you?

2:44:49

13 A. It looks like we probably took a load from  
14 Park Hills, Missouri to Williamstown, New Jersey, I  
15 would be guessing. That's what --

16 Q. Okay.

17 A. -- that looks like to me, a \$2,600 load.

2:45:00

18 Q. Okay. Okay. These BOL -- these bills of  
19 lading -- are these documents that you keep? They're  
20 all numbered.

21 A. Yeah, it would be -- yes, it -- yeah, we keep  
22 them after we get bill -- yeah, we bill them and then  
23 we put the check with the bill of lading number, yes.

2:45:18

24 Q. Okay, okay. Where do you keep the bills of  
25 lading?

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1           A.     In our -- in the file cabinet at 3548 Rosener  
2     Road, Farmington, Missouri.

3           Q.     Okay. Is that where you keep the lease  
4     agreements, in the same place? 2:45:33

5           A.     Yes, sir, it is.

6           Q.     Okay. So for a layperson, forgive me, but  
7     when you get these bills of lading, at what point in  
8     time do you actually get the bill of lading during the  
9     trip? 2:45:45

10          A.     Well, I mean, we -- we will take a trailer up  
11     at the glass factory. They will load it. When it gets  
12     done loaded, we go to the shipping office, sign the  
13     bill of lading. 2:45:59

14                 They keep one copy. We take two copies.  
15     Deliver the load. They get the bill signed. The  
16     driver will keep one copy. The shipper -- the receiver  
17     will get one copy. 2:46:09

18                 When the driver gets back that week, he hands  
19     the paperwork in. We take the bill of lading, make a  
20     bill out of it, send it back to Piramal Glass and bill  
21     them for that -- for that load. 2:46:21

22          Q.     Okay. So you're essentially saying most of  
23     the time you'll get a phone call, you're told to bring  
24     someone up to the -- to the factory to pick something  
25     up, and then that's how the transaction happens. 2:46:32

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1 A. Exactly. That's exactly how it happens.

2 Q. Okay. How many accidents have your drivers  
3 had in the three years prior to the April 29, '18,  
4 accident?

2:46:46

5 A. I think there was two, one by Dennis White  
6 and that was over in Columbus, Ohio, in just rush hour  
7 traffic. Bumped a little car.

2:47:04

8 And in the last three years, I guess Jimmie's  
9 down there in Pocahontas, Arkansas.

10 Q. Do any of your drivers get bonuses if they  
11 arrive at a place on time or early?

2:47:21

12 A. Do they get -- no, no, sir, they do not.

13 MR. DEFFET: All right. I don't have  
14 anything further right now.

15 MR. HENDERSON: All right --

16 MR. DRISCOLL: I --

17 MR. HENDERSON: -- can we take ten?

18 MR. DEFFET: I'm not sure who we want to --

2:47:40

19 MR. DRISCOLL: I can go --

20 MR. DEFFET: -- do next.

21 MR. DRISCOLL: I'm --

22 THE WITNESS: I'm --

23 MR. DRISCOLL: -- up next. So --

24 MR. DEFFET: Okay.

2:47:44

25 MR. DRISCOLL: -- I -- you want to take five

1 minutes?

2 MR. HENDERSON: He said he's okay to move  
3 forward.

4 THE WITNESS: I'm fine.

5 MR. DRISCOLL: All right. Let's rock and  
6 roll then, okay?

2:47:51

7 DIRECT EXAMINATION

8 BY MR. DRISCOLL:

9 Q. Sir, my name is Sean Driscoll. I'm one of  
10 the attorneys representing the Swanson/Elmore family.

2:47:56

11 I -- I'm just going to ask you right away.  
12 Don't you believe Mr. Jimmie Dale Cox was the cause of  
13 the incident that occurred in April of 2018?

2:48:06

14 MR. HENDERSON: Objection. Calls for a legal  
15 conclusion.

16 MR. DRISCOLL: No, it doesn't.

17 BY MR. DRISCOLL:

18 Q. You can answer, sir.

19 A. Do I believe he was the reason for the  
20 accident?

2:48:15

21 Q. Yeah.

22 A. Do I think he caused the accident?

23 Q. Yeah.

24 A. I really don't know.

25 Q. Okay. So you're never going to offer any

Page 170

1 opinions as relates to what the cause of the incident  
2 was that brings us here for your deposition. Is that  
3 fair?

2:48:29

4 A. That's fair to say, because I wasn't there to  
5 really give that kind of opinion, sir. I mean, I don't  
6 -- I don't think nobody knows that for sure.

2:48:37

7 Q. Mr. Murray, I'm -- my questions are going to  
8 be very simple and direct. Okay?

9 A. Okay.

10 Q. Can we agree that you are never going to  
11 testify as relates to the cause of this accident? Yes  
12 or no?

2:48:49

13 A. Yes.

14 Q. Okay.

15 A. Oh. Was -- yeah. Yes.

16 Q. Okay. And can we agree that you didn't  
17 inspect this truck after the occurrence, correct?

2:49:02

18 A. I have not inspected the truck after the  
19 wreck. No, I have not.

20 Q. All right. When was the last time prior to  
21 the incident that -- did you inspect the truck?

2:49:12

22 A. Probably about a week before, sir.

23 Q. Okay. So from a week --

24 A. And that was just --

25 Q. -- prior --

Page 171

1 A. -- a little -- that -- just a little  
2 walkaround. 2:49:20

3 Q. All right. I mean, here, I -- I'm not trying  
4 to be difficult, sir. The -- I'm trying to move this  
5 as quickly and easy as possible, okay? 2:49:27

6 My -- my questions are going to be really  
7 simple and basic. All right?

8 Is it your testimony here that a week prior  
9 to the incident was the last time you did a walkaround  
10 on the truck? True? 2:49:40

11 A. True.

12 Q. All right. So you never did a pre-trip  
13 inspection of this truck. True?

14 A. True. 2:49:48

15 Q. So you have no idea as -- no idea and you can  
16 render no opinion as it relates to the condition of the  
17 brakes for that truck prior to Jimmie Dale Dix [sic]  
18 taking this load. True? 2:49:58

19 A. True.

20 Q. All right. Let's rock and roll on this.  
21 Okay. So we've -- there's been a little bit of a  
22 conversation regarding this February 2013 lease  
23 agreement. 2:50:20

24 Do you recall questions regarding that  
25 agreement?

Page 172

1 A. I do.

2 Q. All right. So what I'm going to do is --  
3 hold on. Hopefully we'll be able to share this sucker.  
4 Let's see. All right.

2:50:55

5 Can you see my -- the screen, the lease  
6 agreement, sir?

7 A. I can, sir.

8 Q. You can or cannot?

9 A. I can. Yes.

2:51:04

10 Q. You can --

11 A. Yes.

12 Q. -- okay, perfect.

13 A. Yes.

14 Q. This looks to be an agreement made on  
15 February 1st, 2013. Is that correct?

2:51:13

16 A. Yes, sir.

17 Q. All right. And then it indicates that  
18 Piramal Glass USA, Inc., Flat River Plant, is herein --  
19 hereinafter referred to as the lessee. True?

2:51:26

20 A. True.

21 Q. All right. And Murray Brothers, LLC -- that  
22 is the lessor. Correct?

23 A. Correct.

2:51:33

24 Q. All right. Now, if you go all the way to the  
25 last page, can you tell me if that is your signature?

Page 173

1 A. It most certainly is.

2 Q. Okay. And you had authority to enter into

3 this agreement on behalf of Murray Brothers, LLC.

4 True?

2:51:47

5 A. True.

6 Q. Okay. And it appears that you have entered

7 into subsequent agreements after this incident

8 substantially similar to this lease agreement. Is that

9 fair?

2:51:58

10 A. That's fair.

11 Q. All right. Now, is it fair to say that when

12 you entered into this agreement, you understood that

13 Piramal Glass USA, Inc., was a motor carrier, true?

2:52:13

14 A. Was a motor carrier -- yes.

15 Q. Okay. Because Mr. Murray, can we agree

16 you're not giving a tractor or a trailer to an entity

17 that is not a federal -- that is not a motor carrier,

18 true?

2:52:27

19 A. True.

20 Q. Because you know that would be illegal.

21 True?

22 A. True.

23 Q. Okay. So can we agree that as in early as

24 February of 2013, you understood that Piramal Glass USA

25 was a -- a motor carrier, correct?

2:52:45

Page 174

1 A. This is true.

2 Q. And therefore, as a motor carrier, the  
3 federal motor safety regulations apply to that entity.  
4 True?

5 A. True. 2:52:56

6 Q. All right. And specifically, it looks like,  
7 at least as of April of 2018, you were hauling  
8 interstate for Piramal Glass. True? 2:53:12

9 A. Correct.

10 Q. Because you were traveling from Missouri to  
11 Illinois to Wisconsin. Correct?

12 A. Correct.

13 Q. And you were actually carrying materials for  
14 furtherance of their business. True? 2:53:26

15 A. True.

16 Q. Okay. And you understand that an employer  
17 means any person engaged in business affecting  
18 interstate commerce who owns or leases a commercial  
19 motor vehicle in connection with that business.  
20 Correct? 2:53:46

21 A. Correct.

22 Q. So at this time, Piramal was acting as an  
23 employer of both Jimmie Dix as well as Murray, LLC,  
24 under the federal regulations. Correct? 2:53:57

25 MR. BLASER: Objection.

1 THE WITNESS: That was acting --

2 MR. BLASER: Calls for --

3 THE WITNESS: -- as a what, sir?

4 MR. BLASER: -- a legal conclusion.

5 BY MR. DRISCOLL:

6 Q. Well, they employed you. Correct? 2:54:03

7 THE RECORDER: Mr. Blaser --

8 THE WITNESS: Yes.

9 THE RECORDER: -- can you repeat what you  
10 said?

11 MR. BLASER: Yes. I said objection, calls  
12 for a legal conclusion.

13 BY MR. DRISCOLL:

14 Q. Well, sir, you've represented in your  
15 deposition here that you are knowledgeable as it  
16 relates to the federal motor carrier regulations.  
17 Correct? 2:54:17

18 A. Correct.

19 Q. And you're the person most knowledgeable as  
20 it relates to that for Murray Brothers, LLC. True?

21 A. One of them. Yes. 2:54:27

22 Q. Okay. And so you knew and understood that  
23 under the federal regulations, that Piramal Glass was a  
24 person engaged in business affecting interstate  
25 commerce who owns or leased your vehicle and was

Page 176

1 hauling and you were hauling material for the benefit  
2 of their business. True?

2:54:46

3 A. This is true.

4 Q. Okay. And you understood that an employee as  
5 defined under the federal motor carrier regulations  
6 means any individual who is employed by an employer and  
7 who in the course of his or her employment directly  
8 affects commercial motor vehicle safety, and that would  
9 include independent contractors while in the course of  
10 operating a truck. True?

2:55:20

11 MR. BLASER: Objection. Calls for a legal  
12 conclusion.

13 BY MR. DRISCOLL:

14 Q. My statement is true, isn't it, sir?

15 A. True

16 Q. You can answer. I -- I didn't hear it.

2:55:31

17 A. I said true.

18 Q. Okay.

19 MR. DEFFET: Can you do a stop share so we  
20 can see? If -- if you're not using the agreement  
21 anymore?

2:55:41

22 MR. DRISCOLL: Yeah.

23 MR. DEFFET: Thank you.

24 BY MR. DRISCOLL:

25 Q. And you know that a motor carrier means a

Page 177

1 for-hire motor carrier or private motor carrier,

2 correct, sir?

2:55:53

3 A. Correct.

4 Q. And so then if a motor carrier is hiring

5 someone to drive, then -- then they're responsible for

6 making sure that the equipment being operated on their

7 behalf is in safe working order. True?

2:56:07

8 A. True. Yes.

9 (Exhibit C marked for identification.)

10 BY MR. DRISCOLL:

11 Q. Okay. Now, what I'm going to show you and

12 share, I believe, is what I will mark as Plaintiff's

13 Exhibit No. C. Okay?

2:56:32

14 And that's going to be Defendant Murray

15 Brothers, LLC's answers to Piramal's interrogatories.

16 Okay?

17 A. Okay.

2:56:40

18 Q. Let me just make sure I've got the right one

19 I want. Yeah. Perfect. Okay.

20 Now, sir, do you recognize this document that

21 is Defendant Murray Brothers, LLC's answers to

22 Piramal's interrogatories?

2:57:07

23 A. Yes, sir.

24 Q. All right.

25 A. I've seen quite a few of them, but I

Page 178

1 recognize it, yeah.

2 Q. You know what? I -- I'm sure you have. I've  
3 seen too many of them as well. Okay?

2:57:17

4 A. So have you.

5 Q. So now this document looks like Murray  
6 Brothers, by and through Matthew Heffelfinger, as well  
7 as Devin --

8 MR. DRISCOLL: Devin, how do you pronounce  
9 your last name?

2:57:29

10 MR. TASEFF: Taseff, Sean. Thanks for  
11 asking.

12 MR. DRISCOLL: All right.

13 BY MR. DRISCOLL:

14 Q. Taseff. You answered certain  
15 interrogatories. And it identifies you as  
16 interrogatory No. 1, Lee Murray. Correct?

2:57:43

17 A. This is correct.

18 Q. And so you answered these interrogatories to  
19 the best of your knowledge and ability. Correct?

20 A. I believe I -- yes.

2:57:51

21 Q. All right. Now, what I want to do is draw  
22 your attention specifically to interrogatory which is  
23 No. 6. Okay. It states (as read): State whether  
24 Murray Brothers or any of its agents, employees, or  
25 representatives communicated in any manner with Piramal

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1 employee or representatives regarding the  
2 transportation of load identified in Bill of Lading  
3 263844 at any time prior to April 29, 2018. If so, for  
4 each communication, state the following.

2:58:28

5 And then it goes A through D. Did I read  
6 that roughly correctly, sir?

7 A. Yes.

8 Q. All right. Now, is it your understanding  
9 that the bill of lading for this particular load was  
10 263844?

2:58:44

11 A. I'm sure it was if that's what you have here.  
12 I can tell you real quick.

13 Q. Yeah, why don't you check for me.

14 A. That is correct.

2:58:54

15 Q. Okay. It indicates that -- after this  
16 objection, and that'll -- without waiving it (as read):  
17 Lee Murray, owner of Murray Brothers, LLC, communicated  
18 by telephone with Rebecca Montgomery of Defendant  
19 Piramal Glass USA regarding said load on or about April  
20 27, 2018.

2:59:17

21 Did I -- does that appear to be correct?

22 A. That's correct.

23 Q. Okay. Who called who?

24 A. She would call me.

2:59:27

25 Q. Okay. And what number did she utilize or do

Page 180

1 you have her programmed in any phone that she would  
2 utilize to call you?

3 A. She usually calls my cell phone. 2:59:40

4 Q. Okay. Is there any way you can provide me  
5 right now with that number that she utilizes when  
6 calling you? Do you have her --

7 A. My --

8 Q. -- saved in --

9 A. -- my -- 2:59:48

10 Q. -- your phone?

11 A. My cell phone number you mean or her -- or  
12 her number?

13 Q. I want her number.

14 A. Her --

15 Q. I've already --

16 A. -- number --

17 Q. -- got your number. I want hers. 2:59:57

18 A. She calls me from her cell phone, and I --  
19 and just one second. It's a 734 number. 7. Her  
20 number's --

21 THE RECORDER: And while he's --

22 THE WITNESS: -- 7 -- 3:00:12

23 THE RECORDER: I was just going to -- while  
24 he's looking for that, if you could make sure to get  
25 this sent over. Because I don't believe I have this. 3:00:19

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1 MR. DRISCOLL: Yeah, I -- I was -- I was kind  
2 of -- I will make sure all of the exhibits that I  
3 tender here today during the deposition will be sent to  
4 you, Madam Court Reporter.

3:00:28

5 THE RECORDER: All right. Thank you. I just  
6 wanted to make sure that came across.

7 MR. DRISCOLL: I appreciate it.

8 THE RECORDER: Yeah.

3:00:32

9 THE WITNESS: She -- she calls me a lot on  
10 her cell phone number, which is 732-427-5680. But she  
11 also calls me on another phone.

12 BY MR. DRISCOLL:

13 Q. And what's that other phone?

3:00:47

14 A. 573-431-5743.

15 Q. 5743.

16 A. That's the regular -- that's a company phone  
17 there.

18 Q. Okay. All right. Does Jimmie Dale Cox have  
19 her cell phone number or her -- or Piramal's call-in  
20 number? If you know?

3:01:16

21 A. I would -- I would say he definitely does not  
22 have Rebecca's number. I don't know if he would have  
23 the glass company's number or not. I mean, he probably  
24 -- he might have, he might not.

3:01:30

25 He would never call -- I mean, he would never

Page 182

1 call them.

2 Q. Now, when Rebecca called you, did she ask you  
3 which truck would be coming to pick up the load?

4 A. Oh, no, she -- no. She just -- she just  
5 calls me and has a load and then it's my job to put the  
6 driver on there that I think's -- has --

3:01:52

7 Q. Okay.

8 A. -- the most hours or going that way. No,  
9 they --

10 Q. All right.

11 A. -- never -- they never ask who's driving.

12 Q. So then the answer to my question would be  
13 no.

3:02:00

14 A. No.

15 Q. All righty then. All right. Did she ask you  
16 for any inspection reports of the truck that would be  
17 sent over?

18 A. No, sir.

3:02:11

19 Q. Okay. Did she ask for any record of any out  
20 of service findings for this truck?

21 A. No, sir.

22 Q. Did she ask for any certification of a  
23 driving record for Jimmie Dale Cox?

3:02:25

24 A. No, sir.

25 Q. Did she ask for any documentation to make

Page 183

1 sure that the truck that was being provided was in safe  
2 operation and complied with the federal motor carrier  
3 regulations?

3:02:36

4 A. No, sir.

5 Q. Okay. Did she ask for any documentation as  
6 it relates to Mr. Cox's driving record?

7 A. No.

3:02:54

8 Q. Okay. Did she ask for a copy of a CDL  
9 license?

10 A. No.

11 Q. All right. Did you perform an annual inquiry  
12 and review of Jimmie Dale Cox's driving record?

3:03:23

13 A. Do I?

14 Q. Yeah.

15 A. Through PJC.

16 Q. Okay.

17 A. Insurance.

18 Q. And is it your testimony here that you don't  
19 get a copy of any driving abstract?

3:03:38

20 A. That's -- this is correct.

21 Q. Okay. Have you ever requested a copy of the  
22 driving abstract -- abstract?

23 A. I have a couple times for our records, and  
24 they got -- and the driver's gotta go to the license  
25 office and get it printed out for me.

3:03:53

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1 Q. Okay. So you have in the past had an ability  
2 to get copies of drivers' abstracts upon your request.  
3 True?

4 A. Upon my request. Yes, sir. 3:04:02

5 Q. And those are documents that you keep in the  
6 drivers' individual files. Correct?

7 A. Correct.

8 Q. And so that is a -- a document that you  
9 could've provided for Piramal prior to the load of  
10 April 28, 2019. Correct? 3:04:20

11 A. Yes.

12 MR. DEFFET: Hey, Sean, can you do a stop  
13 share?

14 MR. DRISCOLL: Yeah.

15 MR. DEFFET: It won't videotape anybody if  
16 that document's up. FYI. You won't see -- 3:04:32

17 MR. DRISCOLL: Okay.

18 MR. DEFFET: -- anyone's face.

19 BY MR. DRISCOLL:

20 Q. Sir.

21 A. Yes. 3:04:37

22 Q. Did Piramal ever request a driving abstract  
23 of Jimmie Dale Cox?

24 A. No, sir, they had never asked.

25 Q. So despite being a federal motor carrier and

Page 185

1 operating trucks on their behalf interstate, it's your  
2 testimony here that Piramal has never requested any  
3 driver abstracts for any drivers employed by Murray  
4 Brothers. True?

3:05:06

5 A. This is true.

6 Q. Okay. And is it your testimony here today,  
7 despite being a federal motor carrier, that Piramal has  
8 never requested any inspection reports or maintenance  
9 records for any tractors or trailers being hauled or  
10 hauling their materials, true?

3:05:27

11 A. This is true.

12 Q. Okay. Now, with the -- you've strenuously  
13 pointed out that in the previous lease agreements, that  
14 you were just providing tractors to Piramal. Is that  
15 correct?

3:05:41

16 A. Just one tractor, sir, just one truck, which  
17 is one day cab truck. It --

18 Q. I understand.

19 A. -- does not run other folks. Yeah.

3:05:47

20 Q. Okay. And you've done -- you've gone out of  
21 your way to stress that it's simply for one tractor.  
22 Correct?

23 A. Just one tractor only.

3:05:54

24 Q. All right.

25 A. Just local --

1 Q. Have you ever --

2 A. -- the local --

3 Q. -- tendered --

4 A. -- people.

5 Q. All right. As part of those lease  
6 agreements, have you ever tendered any maintenance  
7 records for those tractors with the lease agreement to  
8 Piramal?

3:06:05

9 A. Have I ever given them any maintenance  
10 records?

11 Q. Yeah.

12 A. No. We -- we maintain the truck and keep the  
13 records ourself.

3:06:16

14 Q. Sir, that wasn't my question. And I'm not  
15 trying to be difficult. It's really a simply question.  
16 When they --

3:06:23

17 A. Okay.

18 Q. -- leased a tractor from you, did you provide  
19 any maintenance logs or maintenance records with that  
20 tractor?

21 A. No, sir.

22 Q. Okay. Did you provide any inspection reports  
23 with that --

3:06:36

24 A. No, sir.

25 Q. -- tractor?

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1 A. To -- to PIRAMAL?

2 Q. Yes.

3 A. No, sir.

3:06:42

4 Q. Is it PIRAMAL or PIRAMAL?

5 A. I call them PIRAMAL. I -- I don't know. I

6 can't --

7 Q. All right.

8 A. -- verify from those the difference. I call

9 it PIRAMAL.

3:07:01

10 Q. All right. I'm going to call them PIRAMAL.

11 Can we just agree we're talking about the same entity

12 --

13 A. I --

14 Q. -- no matter --

15 A. Yeah.

16 Q. -- the pronunciation?

3:07:05

17 A. I -- I know who you're talking about. If you

18 know who I'm talking about.

19 Q. All right, good. Do you know if PIRAMAL'S

20 ever inspected any tractor that you've either leased or

21 provided hauling for?

3:07:28

22 A. Have they -- I will say no.

23 Q. Okay. And you're aware that every federal

24 motor carrier must do systematically inspection and

25 repair and maintain of any equipment that's under their

Page 188

1 control. Correct?

3:07:47

2 A. Yes. But that's -- Murray Brothers does that  
3 for them.

4 Q. Okay. Well, does the federal motor carrier  
5 allow you to contract that out to other federal motor  
6 carriers?

3:08:00

7 A. Well, the tractor belongs to us, sir, and we  
8 -- if you read that contract, we maintain it.

9 Q. Okay. But aren't they solely in possession  
10 of it for a period of time?

3:08:10

11 MR. BLASER: Objection. Mischaracterizes --

12 THE WITNESS: Yes.

13 MR. BLASER: -- testimony.

14 BY MR. DRISCOLL:

15 Q. Yeah. They're in sole control of that unit  
16 for a period of time. Correct?

3:08:16

17 MR. BLASER: Again, same --

18 THE WITNESS: Yes.

19 MR. BLASER: -- objection.

20 BY MR. DRISCOLL:

21 Q. Okay.

22 A. But Murray Brothers is supposed to keep it  
23 up, sir.

3:08:26

24 Q. Well, that's not my question. My question is  
25 -- is are they in control of that unit? Yes or no?

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1 A. Yes, they --

3:08:34

2 MR. BLASER: Objection --

3 THE WITNESS: -- are.

4 MR. BLASER: -- calls for a legal --

5 BY MR. DRISCOLL:

6 Q. Okay. In fact --

7 MR. BLASER: -- conclusion.

8 BY MR. DRISCOLL:

9 Q. -- they're in sole control of that unit for a  
10 period of time. True?

3:08:39

11 MR. BLASER: Same objection.

12 BY MR. DRISCOLL:

13 Q. Now, do you think that Murray Brothers can  
14 choose and pick which federal motor carrier regulations  
15 that they want to comply with?

3:08:49

16 A. Course not.

17 Q. Okay. So would you -- you agree with me that  
18 Piramal can't choose and pick which federal motor  
19 carrier regulations they choose to comply with?

3:08:57

20 A. Course not.

21 Q. Okay. And since Piramal's a federal motor  
22 carrier, they have to comply with the same regulations  
23 that you do, don't they?

3:09:06

24 A. Yes, sir.

25 Q. When borrowing your equipment or leasing your

Page 190

1 equipment, did Piramal do any yearly safety audits of  
2 Murray Brothers?

3 A. Not to my knowledge. No. 3:09:30

4 Q. Did they ever ask for any of your records?

5 A. No, sir.

6 Q. Okay. How did they determine that Murray  
7 Brothers was a competent independent contractor? 3:09:43

8 A. Well, I mean, they had -- they have a copy of  
9 our authority and our insurance and stuff like that.

10 Q. Okay. Well, did they ever --

11 A. I mean -- 3:09:55

12 Q. -- request any record regarding Murray  
13 Brothers having a out of service record?

14 A. No, sir, not to -- not to my knowledge.

15 Q. Did they ever request any documentation as it  
16 relates to any of your drivers? 3:10:07

17 A. No, sir.

18 Q. And did they ever request any maintenance or  
19 inspection logs regarding your equipment?

20 A. Not to my knowledge. 3:10:16

21 Q. So is it your testimony here that essentially  
22 this company simply got a copy of your insurance  
23 policy, the fact that you had a DOT number, and that  
24 Becky could call you on -- on your cell and you would  
25 respond? 3:10:30

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1 MR. BLASER: Objection. Vague.

2 BY MR. DRISCOLL:

3 Q. Well, I mean, did you provide any other  
4 information other than your cell phone contact, your  
5 direct dial contact, your copy of your insurance  
6 policy, or your DOT number to Piramal?

3:10:47

7 A. That -- that's it, sir.

8 Q. That's all of the information that you ever  
9 provided to Piramal when you were hauling material for  
10 them interstate. Correct?

3:11:09

11 A. To the best of my knowledge, yes, sir.

12 Q. And they never asked for anything else, did  
13 they?

14 A. Not that I know of, sir.

15 Q. I -- I just want to be real clear and -- from  
16 questions that counsel asked you.

3:11:29

17 You have no knowledge as it relates to the  
18 conditions of the tractor and trailer that Jimmie Dale  
19 Cox was operating on the day of this occurrence. You  
20 have no independent knowledge as it relates to the  
21 condition of those brakes. True?

3:11:41

22 A. That would be true.

23 Q. All right. Let's talk about dispatch. Is it  
24 your testimony here that you only had one call with  
25 Rebecca prior to the load being hauled?

3:12:04

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1 A. Probably -- yeah, probably that load, yeah.

2 I mean, we talk -- we -- we was talking. I mean, we

3 talk every day. Yeah. Just about every --

3:12:13

4 Q. You --

5 A. -- day.

6 Q. You talk every day with Rebecca?

7 A. I talk to her quite a bit about loads, yes.

8 Q. Okay. On an annual basis, how many loads do

9 you haul for Piramal?

3:12:30

10 A. On an annual basis? I don't know, probably

11 -- let's see. I don't know. Three, 400 I'd say, every

12 bit. Probably more.

13 Q. Three to 400 loads? Is that both intrastate

14 and interstate?

3:12:53

15 A. Yeah. Probably more than that. Yeah.

16 Q. Is Piramal your largest customer?

17 A. Yes, they are.

18 Q. So without Piramal, would Murray Brothers go

19 under?

3:13:11

20 A. Well, we're still surviving and we can't work

21 for them no more.

22 Q. Really. So --

23 A. Really.

3:13:19

24 Q. -- why did your employment with Piramal end

25 -- or strike that.

3:13:30

$$3:13:40$$

3:13:50

$$3:14:11$$

3:14:26

3:14:40

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1 Q. And they've never done that as a federal  
2 motor carrier. True?

3 A. Not to my knowledge.

4 Q. How far away is Murray Brothers from Piramal? 3:14:54

5 A. Less than a mile. Or right at a mile  
6 probably.

7 Q. Out of those three to 400 trips, how many of  
8 those do you think Jimmie Dale Cox was hauling for?

9 A. Oh. I mean, that's -- say he'd probably haul  
10 -- annually? 3:15:20

11 Q. Annually.

12 A. I'd say he'd probably haul at least one a  
13 week. I mean, probably at least 50 to 80 loads a year  
14 for them. If not more. 3:15:31

15 Q. Fifty to 80 --

16 A. That's --

17 Q. -- loads a year. So that means on -- on 50  
18 to 80 times a year, Piramal had an opportunity to  
19 request the driving abstract of Jimmie Dale Cox. True? 3:15:42

20 A. True. I mean, I'm -- I'll say probably 50  
21 times, yeah, 50 -- I'd say he probably averaged one a  
22 week.

23 Q. Well, there are 52 weeks in a year, right? 3:15:56

24 A. Yeah, but we didn't work every -- you don't  
25 work every week.

Page 195

1 Q. Yeah.

2 A. We do --

3 Q. So --

4 A. -- get days --

5 Q. -- Jimmie --

6 A. -- off. 3:16:00

7 Q. -- probably gets a --

8 A. We do get --

9 Q. -- he probably takes --

10 A. -- a couple --

11 Q. -- a vacation --

12 A. -- days off, yeah.

13 Q. -- once a year? 3:16:03

14 THE RECORDER: Okay, just guys, just be  
15 careful of speaking at the same time.

16 BY MR. DRISCOLL:

17 Q. All right. And then how often did Murray  
18 Brothers, LLC, lease a -- a sole tractor to Piramal?  
19 On an annual basis. 3:16:22

20 A. One truck per year -- one -- just a -- well,  
21 a truck -- just one truck.

22 Q. Okay. So for a whole year, you lease a truck  
23 to Piramal.

24 A. Yes. I -- they lease it for a year at a  
25 time, yes. 3:16:37

Page 196

1 Q. Okay. And then they provide their own  
2 CDL-qualified driver to operate that tractor.

3 A. That is correct.

4 Q. Okay. Do you know who that driver is? 3:16:55

5 A. Jamie Coleman. And Rick Hale. Jamie Coleman  
6 or Rick -- well, Jamie just -- they just laid Jamie off  
7 on July 31st. Now Rick Hale drives it. 3:17:08

8 Q. Okay. Do you know why they lease that  
9 tractor?

10 A. Why they leased it for?

11 Q. Yeah.

12 A. Well, they have -- they have a lot of local  
13 stuff they do. I mean, they -- yes. 3:17:21

14 Q. Okay. So for intrastate loads, they use your  
15 tractor with their driver. For interstate loads, they  
16 hire Murray Brothers, to the best of your knowledge and  
17 understanding? 3:17:35

18 A. They hire a lot of trucking companies, sir.

19 Q. Okay. But -- but solely for your purpose, to  
20 the best of your knowledge, for interstate, they hire  
21 Murray Brothers to haul loads. True? 3:17:48

22 MR. BLASER: Objection --

23 THE WITNESS: They --

24 MR. BLASER: -- mischaracterizes.

25 BY MR. DRISCOLL:

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1 Q. Okay. All right. Hold on one second, my  
2 man.

3:18:05

3 Is there anything that would've prevented you  
4 from tendering any inspection reports or maintenance  
5 records for your particular tractor-trailers to Piramal  
6 if they asked for it?

3:18:17

7 A. No.

8 Q. Okay. Is there anything that would've  
9 prevented you from providing driver abstracts or that  
10 information to Piramal if they asked for it?

3:18:26

11 A. No. But we've never -- we've never, ever had  
12 a customer ask for it. I --

13 Q. Well, is --

14 A. -- don't know why --

15 Q. -- every customer --

16 A. -- they would.

17 Q. -- that you -- sir, is every customer that  
18 you work for a federal motor carrier?

3:18:37

19 A. Some of them are, yes. Not every company,  
20 no. But we do -- we do haul for other motor carriers,  
21 and they -- nobody's ever -- nobody's ever asked that,  
22 sir. Asked for --

3:18:50

23 Q. What --

24 A. -- anything from us. So.

25 Q. Do you agree that as a federal motor carrier,

Page 198

1 Piramal had to comply with the federal -- federal motor  
2 carrier safety -- safety regulations?

3:19:00

3 A. Yes, they do.

4 (Exhibit D marked for identification.)

5 BY MR. DRISCOLL:

6 Q. All right. I'm going to show you what was  
7 previously marked or what I'm going to mark as Exhibit  
8 No. D to your deposition, and this is actually the bill  
9 of lading, okay?

3:19:29

10 A. Yes, sir.

11 Q. All right. So it looks like uniform straight  
12 bill of lading short form. You're familiar with this  
13 document?

14 A. I am, sir.

3:19:42

15 Q. All right. And then it indicates from Flat  
16 River Factory, gives an address. Correct?

17 A. Correct.

18 Q. And then it provides the phone number  
19 573-431-5743. That's the phone number you indicated  
20 that on occasion you get from -- or you get a call from  
21 Rebecca. Correct?

3:20:01

22 A. This is correct.

23 Q. All right. And then it provides the bill of  
24 lading number, which we spoke about in your answers to  
25 interrogatories. Correct?

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1 A. Correct. 3:20:10

2 Q. All right. And then it says Carrier's No.

3 11638. Do you see that?

4 A. I do.

5 Q. And I'm -- it's been a long day, man, I

6 appreciate it. What does --

7 A. I --

8 Q. -- that number mean? If you know. 3:20:23

9 A. It's probably our carrier number from Piramal

10 Glass, I would say.

11 Q. Okay. So is -- so that would be their

12 internal carrier number for Murray Brothers, LLC? 3:20:35

13 A. I would -- yeah, I believe that's true.

14 Q. Okay. Fair enough. Do you see that, where

15 it says deliver 4/29? Up in the --

16 A. Yes.

17 Q. -- middle, the actual handwriting? 3:20:50

18 A. Yeah.

19 Q. So --

20 A. So that --

21 Q. -- those --

22 A. -- should've been 4 -- that actually

23 should've been 4/30.

24 Q. Okay.

25 A. I believe. 3:20:56

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1 Q. Do you know whose handwriting that is?

2 A. I do not. No, I -- I -- I wouldn't -- I  
3 couldn't swear to whose that was, no.

4 Q. Okay. Do you know who wrote this down, the  
5 corrected number? 3:21:10

6 A. No, sir, I could not say that.

7 Q. All right. It's -- it's BM. Would that be  
8 Rebecca Montgomery you think?

9 A. Becky Montgomery, yeah. I would say yes.  
10 She goes by Becky, yes. 3:21:21

11 Q. Okay. Now, at the bottom, it looks like it's  
12 your signature, 4/27/18. Is that right?

13 A. That is correct.

14 Q. Okay. And then it says Becky Montgomery in  
15 the lower left-hand corner. Is that correct? 3:21:40

16 A. That's correct.

17 Q. When did you sign -- I -- I should say where  
18 did you sign this bill of lading?

19 A. At Piramal Glass. 3:21:52

20 Q. Okay. So --

21 A. She would know but --

22 Q. -- you actually went to the facility?

23 A. Yes. I go there quite often, yes.

24 Q. Well, you used to go there quite often.

25 Right? 3:22:01

Page 201

1 A. Yes.

2 Q. All right.

3 A. Very true.

4 Q. So were you at -- at Piramal Glass on a daily  
5 basis prior to this incident?

3:22:10

6 A. I wouldn't say a daily basis, but I would be  
7 up there at least every week, yes.

8 Q. Okay. And is that when you would be signing  
9 bill of ladings?

3:22:21

10 A. Yes. We would take trailers mostly on  
11 Fridays if it's on a Friday. We take trailers up  
12 there, drop them in the door. When they get the  
13 trailer load, it would go there and I'd get the bills  
14 and stuff because the drivers are -- I usually -- the  
15 drivers usually don't mess with that.

3:22:37

16 I usually take care of that all for them,  
17 take it over -- take the trailer over to our yard.

18 Q. Okay. Well, do --

19 A. Unless --

20 Q. -- you know what day of the week this  
21 incident happened on?

3:22:46

22 A. Yes. That was definitely on a Friday. No --

23 Q. Okay.

24 A. -- doubt about it.

25 Q. Okay. So when would you have signed this

Page 202

1 bill of lading? Before he left for his trip? Or  
2 after?

3:23:01

3 A. He didn't leave until the 29th, sir.

4 Q. Okay.

5 A. I picked the -- the trailer got loaded on a  
6 Friday afternoon. I picked it up, brought it over to  
7 our yard, got the bills ready for my driver, put the  
8 bills in my driver's truck like I always do, and --  
9 either that or I put them in back of the trailer.

3:23:19

10 And that's how we -- that's how we operate.

11 Q. Okay. So actually, you go the day before to  
12 load the trailer up for your driver, and you drive that  
13 tractor back to your facility for your drivers.

3:23:37

14 A. Probably less than a half a mile, yes, sir.

15 Q. Okay. And you didn't do a pre-trip  
16 inspection for that vehicle. True?

17 A. True. Well, I walked around the trailer and  
18 stuff. I was not a -- I would not have been in  
19 Jimmie's truck. I would've been in our day cab.

3:24:01

20 We have a little --

21 Q. All right. So --

22 A. -- local tractor.

23 Q. Well -- well, let's be -- let's be --

24 A. Was not --

25 Q. -- right here then.

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1 A. I -- I was not in Jimmie Cox's truck all.

2 Period. 3:24:10

3 Q. But what you're telling me is you're -- you  
4 picked -- you got in your day cab, you went over to  
5 Piramal, you -- but you must've picked up the trailer  
6 from your own yard. Correct? 3:24:19

7 A. Picked up the trailer from Piramal's yard and  
8 brought it to our yard. Which is just right -- like I  
9 said, it's about three blocks down the street. 3:24:28

10 Q. So the -- so the trailer was owned by who?

11 A. Murray Brothers.

12 Q. But the trailer was at Piramal's facility?

13 A. It was at -- to get loaded, sir. 3:24:41

14 Q. All right. So how often -- how long did that  
15 trailer stay at Piramal's facility for?

16 A. Oh, it got loaded that day and I go up there.  
17 They got -- they got like 18 doors. 3:24:52

18 We dropped it in the door and they get it  
19 loaded. I go up there and pick it up sometimes. Or  
20 different people pick it up, me or my brother or --  
21 well, if a driver comes in, he'll go pick it up. 3:25:02

22 Q. Okay.

23 A. And just --

24 Q. So --

25 A. -- bring it over to our yard. Like on a

Page 204

1 weekend deal.

2 Q. All right. So to the best of your knowledge  
3 and recollection, you had taken the day cab and dropped  
4 off the trailer into one of Piramal's bays, sat it  
5 there --

3:25:15

6 A. Yeah.

7 Q. -- they load --

8 A. Yeah.

9 Q. -- it, you come back, and they say, hey, it's  
10 ready to rock and roll. You get in your day cab. You  
11 picked it up and you pulled it back to your yard for  
12 Jimmie to pick it up and haul --

3:25:26

13 A. Yeah.

14 Q. -- it north. Is that fair?

15 A. So yeah, he would've -- he would've picked it  
16 up Sunday -- he would've picked it up Sunday afternoon,  
17 yes. He was leaving Sunday -- Sunday lunchtime or so,  
18 yes.

3:25:35

19 Q. Did you speak to Jimmie Dale Cox on Sunday  
20 prior to him leaving the facility?

21 A. I -- I did not speak to Jimmie that Sunday,  
22 no, sir, not until after the accident. I spoke to him  
23 -- I spoke to him Saturday -- Friday and Saturday I  
24 spoke to him.

3:25:54

25 I never spoke to him Sunday, no. Which is

Page 205

1 very common.

2 Q. All right. And do you live at the yard?

3 A. No, sir.

4 Q. Oh, okay.

5 A. Sometimes I feel like it.

3:26:06

6 Q. Fair enough. Okay. So who's -- and I'm  
7 trying to make sure I've got your cell phone number  
8 here correctly, but your cell phone number is  
9 314-422-9644?

3:26:36

10 A. That is correct.

11 Q. Okay. It indicates that this incident  
12 happened at 5:34 in the evening. Do you have any  
13 reason to dispute that?

3:26:50

14 A. Do I have any reason to dispute it? I -- I  
15 mean, I wasn't there, so I couldn't answer that.

16 Q. Okay. Do you know when was the last time you  
17 spoke to Jimmie Dale Cox on the day of the occurrence?

3:27:17

18 A. The only time I talked to Jimmie was the --  
19 after the accident, sir. That's the only time I talked  
20 to him that Sunday. I never talked to him that Sun- --  
21 I never talked to him Sunday at all.

3:27:32

22 The first time I talked to Jimmie, it was  
23 after the accident.

24 Q. Who handles dispatch for you?

25 A. That would be myself.

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1 Q. Okay. And do you do --

3:27:42

2 A. The

3 Q. -- dispatch --

4 A. -- majority --

5 Q. -- on a -- I'm sorry?

6 A. The majority of the time, it's me. We do --

7 me and Larry do swap around, but most of the time --

8 that day, I was in dispatch.

3:27:52

9 Q. Okay. And do they call your cell phone or a  
10 landline?

11 A. They probably call my landline, which when  
12 I'm gone, I have it to my cell phone.

3:28:06

13 Q. Okay.

14 A. But they will call my landline phone usually.

15 Q. All right. Do you know how many times he  
16 attempted to call you before you two actually spoke?

3:28:24

17 A. Well, looking at the police report, it looks  
18 like he called me -- he tried to get a hold of me two  
19 different times right before -- right after the  
20 accident.

3:28:33

21 Q. Okay. Now, I've got two calls to you. Well,  
22 I've got -- the call lasted two minutes and 24 seconds.

23 A. That would be the --

24 Q. What'd you guys talk about?

3:28:43

25 A. That he was just in -- he was just involved

Page 207

1 in a -- a pretty serious accident. He called me and  
2 told me.

3 Q. Okay.

4 A. And I asked him if everything was okay and  
5 make sure everybody was okay and be sure you get  
6 checked out at the hospital and go take a drug test. 3:29:04

7 Q. Okay. So I've got the dispatch number as  
8 573-431-0178.

9 A. That is correct.

10 Q. Okay. And then I've got your cell that we've  
11 already discussed. 3:29:18

12 Now, it looks like he attempted to call you  
13 at around 2:14 on 4/29. Do you recall that?

14 A. I -- no, I don't recall talking to him that  
15 day. 3:29:36

16 Q. Okay. It looks like there was a -- about 39  
17 seconds.

18 A. He might've just called and told me he was  
19 leaving, but I don't really recollect that too much,  
20 no. Well, he was -- if that was at 2:14 in the  
21 afternoon, he would've been at Beasley Fuel Stop. 3:29:58

22 Q. Okay. And then at around 1:28, he called  
23 Murray dispatch and spoke for about five minutes and 19  
24 seconds. Do you know what that was about? 3:30:10

25 A. No. I do not.

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1 Q. After the occurrence, did you speak to  
2 Rebecca?

3 A. I spoke to -- I talked to Becky the next  
4 morning, Monday. It would've been Monday morning. 3:30:30

5 Q. April 30th. Right?

6 A. April 30th. Yes, sir.

7 Q. All right. In fact, that's what you put in  
8 your answers to interrogatories. 3:30:41

9 Why'd you report the accident to Rebecca?

10 A. Because I wanted her -- to let her know that  
11 her customer was not going to receive the load. It was  
12 --

13 Q. Okay.

14 A. -- it was going --

15 Q. And what --

16 A. -- to RGL warehouse up there and I wanted her  
17 to call them and tell them that their load wasn't going  
18 to be there, it was in an accident. 3:31:01

19 Q. All right. So tell me specifically what you  
20 said to Rebecca and what Rebecca said to you.

21 A. I just called her that morning, told her that  
22 Jimmie had been involved in an accident, that load was  
23 not going to be there Monday morning, would she please  
24 call RGL warehouse and tell them that the -- what had  
25 happened. 3:31:19



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1 A. No, sir. No.

3:32:15

2 Q. All right.

3 A. She's just an employee at -- at Piramal  
4 Glass.

5 Q. No, I got it. But she's your primary point  
6 of contact it sounds like, right?

3:32:31

7 A. My point of contact, but she's not the owner  
8 of the company or nothing.

9 Q. Okay. Well, who else do you have contact  
10 with at Piramal?

11 A. Well, we'll -- Billie Cagle used to work  
12 here. She don't work there no more.

3:32:45

13 I've talked to Rick Hale every once in a  
14 while. Once in a great, great, great while, not very  
15 often, Faron Henson sometimes. But Rebecky -- Becky's  
16 probably the 90 -- 95 percent person I talk to at  
17 Piramal Glass.

3:32:59

18 Q. Okay. After April 30th, have you had any  
19 other conversations with any other employees of  
20 Piramal?

21 A. Well, yeah.

22 Q. Okay.

3:33:11

23 A. You mean about the accident?

24 Q. Yeah.

25 A. I just talked -- probably talked to -- no,

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1 not -- I don't guess so, not really, not too much about  
2 the accident, no. 3:33:25

3 Just told them everybody -- I just told  
4 everybody up there we had an accident and stuff.

5 Q. Okay. Is this the first time Murray Brothers  
6 has been -- well, strike this. 3:33:35

7 Is this the first time that Murray has ever  
8 hauled a load for Piramal where the vehicle's been  
9 involved in an accident?

10 A. Yes. I believe so. Yes, this is the very  
11 first time we had an accident with a load of glass,  
12 yes. 3:33:48

13 Q. Okay. Do you know if Piramal filled out any  
14 accident report?

15 A. I would not know. I would not have a clue  
16 about that.

17 Q. Okay. Did you have to fill out any  
18 documentation -- or strike that. 3:34:02

19 Did Piramal require you to fill out any  
20 documentation regarding the incident or the accident?

21 A. Did they have me to fill anything out? Not  
22 that I recall, no, I didn't fill nothing out. For -- 3:34:13

23 Q. Okay.

24 A. -- Piramal.

25 Q. How -- who informed you that Piramal would

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1 not -- no longer be using Murray Brothers' services? 3:34:24

2 A. Rebecca did. First of the year.

3 Q. Okay. And the first of 2019?

4 A. '20.

5 Q. Of --

6 A. '20.

7 Q. -- 2020. Okay. And what did you say to her  
8 and what did she say to you? 3:34:38

9 A. She said she just hated to lose us but that  
10 was -- it wasn't her call. It was coming from New  
11 Jersey, I guess. From the main office. 3:34:49

12 Q. Okay. And --

13 A. Nothing was -- no -- nobody's ever really  
14 said nothing or why or nothing. They just said Murray  
15 Brothers is not allowed to haul for Piramal no more,  
16 period. 3:34:59

17 Q. Okay. And were you calling to do a load, or  
18 did she just call you and let you know that Piramal  
19 would no longer be using the services of Murray  
20 Brothers? 3:35:12

21 A. Basically she just called me and said that  
22 she was -- they wasn't going to be using our services  
23 no more, yes.

24 Q. Okay. Do you know if they did any audit or  
25 review or pulled any of Mr. Cox's driving abstracts? 3:35:29

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1 A. Not to my knowledge that I would know of.

2 No.

3 Q. If I told you through discovery after this  
4 incident PIRAMAL pulled the driver's abstract of Jimmie  
5 Dale Cox, would that surprise you?

3:35:43

6 A. Probably -- I mean, I -- not really. I mean,  
7 I don't guess.

8 Q. Okay. Now, do you know if Murray Brothers  
9 ever got a copy of Jimmie Dale Cox's CDL license prior  
10 to the incident?

3:36:00

11 A. A copy of his license? Yeah --

12 Q. Yes.

13 A. -- I got a copy of his license.

14 Q. Okay.

15 A. Yeah.

16 Q. Did -- did PIRAMAL ever have a copy of his  
17 license?

3:36:07

18 A. Not to my knowledge. I wouldn't -- I  
19 wouldn't -- I wouldn't know how they would've.

20 Q. Okay. Well, has PIRAMAL had any direct  
21 interaction with Jimmie Dale Cox when he has picked up  
22 a load or done any driving for them?

3:36:21

23 A. I mean, I'm sure he'd sit up there and talk  
24 to them, but I mean, he -- he never -- he never had  
25 nothing to do with the business part of it. I mean,

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1 I'm sure he'd go up there and talk to the people and  
2 stuff. 3:36:33

3 But I mean, that would be about it.

4 Q. Okay. Hold on one second. I'm almost done,  
5 I promise, all right, Mr. Murray? I know you've -- 3:36:50

6 A. I'm fine.

7 Q. -- had a long day. But you've enjoyed every  
8 minute of it, haven't you?

9 A. Oh, yeah. No place I'd rather be. 3:36:59

10 Q. Okay. All right. Just bear with me one  
11 second, sir. I just want to see if we can figure out  
12 and get some facts down, okay, so bear with me one  
13 second. 3:37:31

14 All right. Can we agree that Piramal hired  
15 Murray Brothers and Jimmie Dale Cox to transport their  
16 load on or before April 29th, 2018?

17 A. Yes, sir. 3:38:05

18 Q. Okay. And can we agree that Piramal, by and  
19 through Murray Brothers and Jimmie Dale Cox, operated  
20 the 2014 Peterbilt truck on April 29th, 2018? 3:38:19

21 A. Yes, sir.

22 Q. Can we agree that, to the best of your  
23 knowledge and understanding, on October 21st, 2015,  
24 Defendant Jimmie Dale Cox was convicted of improper  
25 backing in Illinois? 3:38:35

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1 A. Yes, sir.

2 Q. Can we agree that on December 18, 2015,  
3 Defendant Jimmie Dale Cox struck a diesel pump in  
4 Batesville, Mississippi?

5 A. Yes, sir.

3:38:45

6 Q. Can we agree that on April 25th, 2016,  
7 Defendant Jimmie Dale Cox was involved in an accident  
8 in Pocahontas, Illinois?

9 A. Arkansas.

3:38:55

10 (Interruption in the proceedings.)

11 BY MR. DRISCOLL:

12 Q. Sorry about that. How --

13 A. What was the --

14 Q. -- how do you --

15 A. -- date?

16 Q. -- pronounce it? It was April 25th, 2016?

3:39:06

17 MR. DEFFET: Arkansas.

18 THE WITNESS: Arkansas Yeah.

19 MR. DEFFET: He corrected me. FYI.

20 MR. DRISCOLL: Okay.

21 THE WITNESS: Pocahontas --

22 BY MR. DRISCOLL:

23 Q. On July --

24 A. -- it was --

25 Q. -- 13th --

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1 A. -- in Pocahontas, Arkansas. 3:39:15

2 MR. DRISCOLL: I'm sorry, Tim. What'd you  
3 say?

4 MR. DEFFET: I'm just saying he corrected me  
5 earlier. It's Pocahontas, Arkansas, not Illinois.

6 MR. DRISCOLL: I apologize. Okay. 3:39:24

7 BY MR. DRISCOLL:

8 Q. On July 13th, 2016, Defendant Jimmie Dale Cox  
9 was convicted of speeding in excess of 10 miles per  
10 hour in Wisconsin?

11 A. Correct. 3:39:34

12 Q. Okay. On January 25th, 2018, Defendant  
13 Jimmie Dale Cox was involved in an accident in Gren- --  
14 is it Grenada --

15 A. Yes.

16 Q. -- Mississippi? 3:39:43

17 A. Grenada.

18 Q. Grenada? Now, in April of 2018, was he  
19 involved in an incident in -- prior to this one in  
20 Mississippi? If you know? 3:40:04

21 A. Not that I recall.

22 Q. Okay. Do you know -- well, here. On or  
23 before April 29th, 2018, Murray Brothers had an out of  
24 service violation -- order violation that exceeded the  
25 national average. Do you disagree with that or dispute

Page 217

1 that?

3:40:28

2 A. No, I do not.

3 Q. Okay. So prior to April 29th, 2018, Murray  
4 Brothers had an out of service order violation that

5 exceeded the national average. Correct?

3:40:40

6 A. This is probably correct.

7 Q. Okay. And are you aware that you can search  
8 the Federal Motor Carrier Administration's website to  
9 determine a company's out of service violations?

3:41:01

10 A. Well, my -- my -- the CDL consultants keeps  
11 me updated on that, yes.

12 Q. Yeah, okay. So federal motor carriers have  
13 access to the Federal Motor Carrier Safety  
14 Administration website that allows them to determine a  
15 certain motor carrier's out of service record. True?

3:41:19

16 A. This is true. Yes.

17 Q. Would you agree with me that prior to April  
18 29th, 2018, Piramal could've gotten access to Jimmie  
19 Dale -- Jimmie Dale Cox's driver abstract?

3:41:41

20 A. I'm sure they could've.

21 Q. Okay. And would you agree with me that prior  
22 to April 29th, 2018, Piramal could have learned of what  
23 your out of service record was? True?

3:41:57

24 A. True.

25 Q. And you would agree with me that if Piramal

Page 218

1 -- well, here, strike that.

2 Well, here. You would agree with me that  
3 since Piramal was Murray Brothers's largest customer,  
4 that you did everything to make them happy. Correct?

3:42:24

5 A. Yes, sir.

6 Q. Okay. And you --

7 A. We tried.

8 Q. -- did your -- and if they made any requests  
9 of you, you would've complied with that request because  
10 of the business relationship that you had with Piramal.  
11 True?

3:42:35

12 MR. HENDERSON: Objection. Improper  
13 hypothetical. Calls for speculation.

14 BY MR. DRISCOLL:

15 Q. All right, I'll rephrase.

16 Would you agree with me, as a principal of  
17 Murray Brothers, LLC, that any reasonable request made  
18 by Piramal, your customer, you would've complied with?

3:42:52

19 A. We would've gave it a good effort, yes.

20 Q. Is Joni Jimmie Dale Cox's wife?

21 A. She is.

22 Q. Do you know how -- who John Parras is?

23 A. John who?

3:43:19

24 Q. Parras?

25 A. Don't believe -- don't believe. Uh-uh. No.

Page 219

1 Q. Do -- do you require your drivers to have  
2 Murray Brothers dispatch and your cell programmed into  
3 their phone? 3:43:39

4 A. Do I require them to? No.

5 Q. Okay. Well, you're aware of the federal  
6 regulation that allows for operation of a mobile device  
7 but it must be a single touch to operate. Correct? 3:43:51

8 A. This is correct.

9 Q. Okay. What did Murray Brothers do prior to  
10 April 29th, 2018, to make sure that the drivers were  
11 compliant with the federal road -- motor carrier  
12 regulation as it relates to use of mobile devices? 3:44:05

13 A. Well, we'd give them a company policy. Just  
14 cell phone policy.

15 Q. And that's it.

16 A. And -- and that and they -- every -- and  
17 every one of my drivers do have a headset. Bluetooths  
18 or whatever they call it. 3:44:22

19 Q. Do you -- who provides the headset?

20 A. They do. They buy --

21 Q. So they can --

22 A. -- their own --

23 Q. -- buy it.

24 A. -- headset. Yes. 3:44:31

25 Q. Do you know what steps Piramal took to

Page 220

1 pre-authorize any of its drivers to operate your  
2 equipment?

3 A. Do you -- now, do what now? About -- oh,  
4 about the -- the -- like Jamie Coleman? 3:45:04

5 Q. Yeah, like -- here. Do you know the  
6 background check or what necessary steps Piramal took  
7 to make sure the individual who was driving your  
8 tractor was competent to do so? 3:45:16

9 A. Not really, no.

10 Q. But as a federal -- federal motor carrier,  
11 you would expect them to comply with the regulations  
12 when they are putting a driver in your tractor. True? 3:45:30

13 A. True.

14 Q. Now, when they operated your tractor, did  
15 they operate it under their DOT number or your DOT  
16 number, if you know?

17 A. Oh, I know under theirs. 3:45:41

18 Q. Did they ever provide you a certificate of  
19 insurance?

20 A. I believe we do have a copy, yes.

21 Q. Can you provide that --

22 A. I think --

23 Q. -- to your counsel? 3:45:52

24 A. I -- I think we do. I ain't for sure, but I  
25 think we -- that we -- might be one at the office

Page 221

1 there.

2 Q. Okay. So can you please provide any  
3 certificate of insurance or policies that Piramal has  
4 tendered to you in the past to your counsel and provide  
5 it to us?

3:46:10

6 A. Yeah, I will try to get that from --

7 Q. Okay. Have you ever inquired as it relates  
8 to what type of insurance coverage Piramal has that  
9 provides you coverage when you're hauling their loads?

3:46:22

10 A. No, sir.

11 Q. Are you aware of any other incidents  
12 involving Jimmie Dale Cox that he was involved in an  
13 automobile accident or property damage that we haven't  
14 already discussed prior to April 29th, 2018?

3:46:58

15 A. Nothing that we haven't discussed, sir. I  
16 think everything that I know of should be there.

17 Q. Okay. And as it relates to the out of  
18 service, I know that you're above the national average.

3:47:20

19 Has anything changed dramatically in that  
20 status from the day of the occurrence until let's say  
21 January of 2020?

22 A. Has it come down some? I believe it has,  
23 yes.

3:47:32

24 Q. So actually, your out of service record has  
25 gotten better and yet Piramal still chose not -- no

Page 222

1 longer to use your services?

2 A. To -- to the best of my knowledge, yes,

3 that's it.

3:47:45

4 Q. Interesting. Did you ask them if your out of  
5 service record had any impact on them discontinuing  
6 your services?

7 A. I did not ask them nothing, sir. They  
8 decided not to use us no more and we just let it go at  
9 that.

3:48:01

10 Q. Okay. Are you hoping to get their business  
11 back?

12 A. I would like to.

13 Q. Have you taken any steps or measures to get  
14 their business back?

3:48:11

15 A. Not really. No, sir.

16 Q. Now, in preparation for your testimony here  
17 today, you testified that you looked at certain -- a  
18 lot of discovery documents. Do you recall that?

3:48:23

19 A. I looked at a lot of pieces of paper, yes,  
20 sir.

21 Q. So did you look at any of Piramal's answers  
22 to interrogatories or any documents that they produced?

23 A. I probably looked through them. Don't really  
24 remember much of them, no.

3:48:43

25 Q. Okay. What email account do you utilize to

Page 223

1 communicate with Piramal?

2 A. I do -- we do very little email. We -- I  
3 mean, like I said, most -- most everything we do's  
4 telephone and --

3:48:59

5 Q. I -- I --

6 A. -- I will -- Becky -- I will email her every  
7 once in a while or she'll email me but not very often.

8 Q. Okay. And what's the email address that --  
9 that she has that you -- and the ones that you utilize?

3:49:11

10 A. Her --

11 Q. Is it --

12 A. -- email address --

13 Q. -- AOL? Is it Gmail? What is it?

14 A. It's -- it's -- it's at Piramal Glass. I'm  
15 pretty sure it's Piramal Glass. At Piramal Glass.

3:49:21

16 Q. Okay. And what's your email address that you  
17 communicate with her at?

18 A. Mine's lee.murray@att.net.

19 Q. Okay. And I'm sorry if that was asked  
20 before. I may have missed it.

3:49:33

21 A. Oh, that's --

22 Q. Was it --

23 A. -- fine.

24 Q. -- asked before?

25 A. I'm pretty sure --

Page 224

1 MR. HENDERSON: No, it wasn't.

2 THE WITNESS: -- I -- I think her -- her  
3 email's Rebecca -- Rebecca Montgomery at Piramal Glass  
4 dot com.

3:49:43

5 BY MR. DRISCOLL:

6 Q. Okay. And you -- you indicated that on  
7 occasion your brother's wife would email with Piramal.  
8 Is that correct?

9 A. No. I did not -- no, I did not say that.

3:49:54

10 Q. Okay.

11 A. I said she -- she doesn't -- she does not --  
12 she does not have no contact with Piramal.

13 Q. Okay.

14 A. That -- that I know of. To my knowledge.

3:50:03

15 Q. All right.

16 MR. DEFFET: Wait. Your wife or your  
17 brother's wife? I'm sorry.

18 THE WITNESS: My brother's wife, my  
19 sister-in-law.

3:50:13

20 MR. DEFFET: Okay.

21 THE WITNESS: I mean my brother's wife.

22 MR. DRISCOLL: All right. You know what? I  
23 think I'm done right now. I'm going to look through my  
24 notes. I think I'm done right now. I'll look through  
25 my notes.

3:50:59

1 I may have some follow-up. But Mr. Murray, I  
2 appreciate your time, okay?

3 THE WITNESS: Thank you, sir.

4 MR. DEFFET: Now's a good time for a break.

5 MR. HENDERSON: Yeah, let's take a break now.

6 MR. DRISCOLL: All right.

7 THE RECORDER: Going off the record at 3:12  
8 p.m.

9 MR. HENDERSON: Come back at 3:20? 3:51:14

10 (Off the record.)

11 THE RECORDER: We're back on the record at  
12 3:23 p.m.

13 MR. HENDERSON: Who's up next?

14 MR. DEFFET: Yeah, who -- what are we doing  
15 here? 3:51:33

16 MR. BLASER: I -- I've got some brief  
17 questions. Nathan, if you don't mind me going.

18 MR. HENDERSON: Go ahead --

19 MR. BLASER: Unless --

20 MR. HENDERSON: -- Tucker. 3:51:40

21 MR. BLASER: Okay. Allyson, we're -- we got  
22 you? You're on?

23 THE RECORDER: Yep. I'm here.

24 MR. BLASER: Okay.

25 MR. DEFFET: We're rolling? 3:51:49

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1 THE RECORDER: We are.

2 MR. BLASER: We're -- we're -- we are back on  
3 the record, Allyson?

4 THE RECORDER: Yes. Yup.

5 MR. BLASER: All right. 3:51:55

6 CROSS-EXAMINATION

7 BY MR. BLASER:

8 Q. Good morning, Mr. Murray. My name's Tucker  
9 Blaser. I represent Piramal Glass in this lawsuit, and  
10 I've just got a few questions for you today, okay? 3:52:04

11 A. Okay.

12 Q. I'll try to be as -- as quick as possible.  
13 You -- you told Sean earlier that you were familiar  
14 with the federal motor carrier regulations. Is that  
15 right? 3:52:15

16 A. That's right.

17 Q. Told him you understood the definition of a  
18 motor carrier, right?

19 A. Right.

20 Q. Is it your understanding that Piramal was  
21 acting under its authority as a motor carrier when  
22 Murray Brothers hauled the load for Piramal on April  
23 29th, 2018? 3:52:33

24 A. Was that -- was Piramal acting as a motor  
25 carrier?

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1 Q. Right.

2 A. I was -- I would say that it is more acting  
3 as a company shipping freight.

3:52:45

4 Q. So would it be your understanding that Murray  
5 Brothers was acting as a -- a motor carrier under the  
6 definitions of the federal motor carrier regulations  
7 when Murray Brothers was hauling the load for Piramal  
8 on April 29th, 2018?

3:53:00

9 MR. DRISCOLL: Objection. Form, foundation.

10 THE WITNESS: Yes.

11 BY MR. BLASER:

12 Q. Okay. Would you agree that when Pir- -- or  
13 strike that.

3:53:14

14 Would you agree that Piramal would only be  
15 required to abide by the federal motor carrier  
16 regulations when it was acting under its authority as a  
17 motor carrier?

18 MR. DRISCOLL: Objection. Form, foundation.

3:53:30

19 THE WITNESS: I would -- I would think so.

20 BY MR. BLASER:

21 Q. The bill of lading that's been produced in  
22 this case with regard to the subject load -- it  
23 identifies the carrier as Murray Brothers. Is that  
24 correct?

3:53:49

25 A. That's correct.

1 Q. Okay. Nowhere on that bill of lading does it  
2 identify Piramal as the motor carrier. Is that  
3 correct?

4 MR. DEFFET: Objection. The --

5 THE WITNESS: That is correct.

6 MR. DEFFET: -- document speaks for itself. 3:54:01

7 MR. BLASER: Okay. I -- I didn't catch his  
8 answer.

9 THE WITNESS: That is correct.

10 BY MR. BLASER:

11 Q. Okay. I'm going to share this with you.  
12 Okay, Mr. Murray. Do you see on your screen a document  
13 entitled "Lease Agreement" at the top? 3:54:43

14 A. I do.

15 Q. Okay. And I believe this is -- already been  
16 marked in the exhibit as Exhibit 6. I've got a few  
17 questions about this lease agreement. 3:54:55

18 First, on the -- the very first line, it says  
19 (as read): Agreement made 1st of February 2013 between  
20 --

21 And then I'm -- I'm going to paraphrase.  
22 Piramal as the lessee and Murray Brothers, LLC, as the  
23 lessor. Is that right? 3:55:11

24 A. This is correct.

25 Q. Is it your understanding that, you know,

Page 229

1 under this lease agreement, Piramal was leasing a  
2 tractor from Murray Brothers for the purposes of  
3 Piramal using it to haul local loads?

3:55:26

4 A. This is correct.

5 Q. Okay. The -- the tractor that's identified  
6 in this lease agreement is not the tractor that was  
7 involved in the April 29th, 2018, accident. Is that  
8 correct?

3:55:41

9 A. That is correct.

10 Q. Okay. The -- the lease, the terms of this  
11 lease -- and if you need to look at it, I can pull it  
12 all the way down and pull it all the way back up.

3:55:56

13 But the terms of this lease are not  
14 applicable to the contract freight work that you --  
15 that Murray Brothers performed for Piramal for roughly  
16 the last 15 years. Is that a fair statement?

3:56:11

17 MR. DEFFET: Objection.

18 THE WITNESS: That's a very --

19 MR. DEFFET: Calls for a legal conclusion.

20 THE WITNESS: That's a fair statement.

21 BY MR. BLASER:

22 Q. Okay. The terms in this lease agreement,  
23 they would not be applicable to the load that Murray  
24 Brothers was hauling for Piramal on April 29th, 2018.  
25 Is that a fair statement?

3:56:33

1 A. Yes, it is.

2 MR. DEFFET: Same objection. I just wanted  
3 to let him get his answer out.

4 BY MR. BLASER:

5 Q. I'm going to -- similar lines of questioning  
6 here, Mr. Murray. I'm going to direct your attention  
7 to the document on the screen.

3:56:50

8 You see on your screen a document that says  
9 "Lease Agreement," correct?

10 A. Correct.

11 Q. I believe this is -- been marked as Exhibit  
12 No. 5 in this deposition. But for purposes of the  
13 record, it's Bates labeled PIRAMAL PIRA 54 through 55.

3:57:12

14 Mr. Murray, the -- the first line identifies  
15 that this is an agreement made on the 1st day of  
16 January 2019, and I'll paraphrase the -- paraphrase,  
17 but between PIRAMAL Glass as lessee and Murray  
18 Brothers, LLC, as lessor. Is that correct?

3:57:31

19 A. That's correct.

20 Q. Again, the tractor identified in this lease  
21 is a 2014 Peterbilt. Is that right?

22 A. Correct.

3:57:44

23 Q. And it has a VIN number of 1NPXGGGG50D226154.  
24 Is that right?

25 A. Correct.

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1 Q. Is it -- am I correct that this is -- the  
2 tractor that is subject to this lease is not the  
3 tractor that was involved in the accident on April  
4 29th, 2018?

3:58:07

5 A. That is correct. This is not the truck.  
6 This is not the tractor that was involved.

7 Q. Okay. And similarly, none of the terms of  
8 this lease would be applicable to the load that Murray  
9 Brothers was hauling for Piramal on April 29th, 2018.

3:58:26

10 MR. DEFFET: Objection. Calls for a legal  
11 conclusion.

12 THE WITNESS: That is correct.

13 BY MR. BLASER:

14 Q. Would it be a fair statement to say that  
15 these two lease -- leases have nothing to do with the  
16 contract freight hauling business that you performed --  
17 that Murray Brothers performed for Piramal?

3:58:50

18 MR. DRISCOLL: Objection --

19 THE WITNESS: That's --

20 MR. DRISCOLL: -- to form.

21 THE WITNESS: -- correct. That is correct.

22 It has nothing to do with the haul -- the loads we  
23 haul.

3:59:01

24 BY MR. BLASER:

25 Q. And just to confirm, but under the -- either

Page 232

1 one of these lease agreements, no Murray Brothers

2 driver ever drove under one of these leases for

3 Piramal. Is that fair? 3:59:19

4 A. That is very fair.

5 Q. Okay. All right. And then I'm going to

6 share another document with you here. At least I think

7 I'm going to. 3:59:45

8 I'm -- Mr. Murray, did I do this correctly?

9 Do you see a document on your screen with the title

10 page called "Piramal Glass"? 4:00:32

11 A. Yeah, I see a document here, yeah.

12 MR. DEFFET: Tucker --

13 BY MR. BLASER:

14 Q. Okay.

15 MR. DEFFET: -- I think you might be showing

16 some of your own notes. And it looks like a Word

17 document. 4:00:40

18 THE WITNESS: Yeah.

19 MR. BLASER: Well --

20 MR. DEFFET: Which document are you trying to

21 pull up?

22 MR. BLASER: Piramal Glass Transport Service

23 Agreement November 2019. 4:00:49

24 MR. DEFFET: Hold on. I'll pull it up. You

25 have to stop sharing, yes, for me to do it.

Page 233

1 MR. BLASER: How do I stop sharing?

2 MR. DEFFET: You just -- 4:00:57

3 MR. DRISCOLL: I don't know --

4 MR. DEFFET: -- click in --

5 MR. DRISCOLL: -- but your --

6 MR. DEFFET: -- a certain area --

7 MR. DRISCOLL: -- notes are impeccable --

8 MR. DEFFET: -- up at the top --

9 MR. DRISCOLL: -- Tucker. 4:01:01

10 MR. DEFFET: You click up at the top.

11 MR. BLASER: Yeah.

12 MR. DEFFET: There should be a red button to  
13 press stop share.

14 THE WITNESS: I write everything down. 4:01:11

15 MR. DEFFET: Okay. Hold on one sec. I think  
16 I got it.

17 MR. BLASER: So you just saw all the notes?  
18 That's awesome.

19 MR. DEFFET: Only for a --

20 MR. DRISCOLL: Yeah.

21 MR. DEFFET: -- second. 4:01:21

22 MR. DRISCOLL: It's okay. I -- they looked  
23 amazing.

24 MR. BLASER: They're -- I mean, they're  
25 pretty solid.

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1 MR. DRISCOLL: I --

2 MR. DEFFET: I saw pay it -- pay them. Pay  
3 them quickly at the bottom?

4:01:29

4 THE WITNESS: Gavin --

5 MR. DEFFET: Okay, give me a second --

6 MR. DRISCOLL: But I don't understand --

7 MR. DEFFET: -- I think I got it.

8 MR. DRISCOLL: -- why you had to say that I  
9 was a jerk. You didn't need to put that in your  
10 attorney product.

4:01:37

11 MR. DEFFET: Okay. Is this what you're  
12 looking for?

13 MR. BLASER: It is.

14 MR. DEFFET: Okay. Just tell me how you want  
15 me to scroll it. I'll do it.

4:01:46

16 MR. BLASER: Just on the very first page.

17 BY MR. BLASER:

18 Q. Mr. Murray, this document is a transport  
19 service agreement, and -- and do you see November 2019  
20 on the front page? Is that correct?

4:02:00

21 A. I do, sir.

22 Q. Okay. It -- would it be fair to say that  
23 this agreement governs the contract freight business  
24 between Murray Brothers and Piramal from November 2019  
25 forward?

4:02:14

1 A. Yes.

2 Q. Okay.

3 MR. BLASER: And then, Tim, if you can scroll  
4 to the effective date. I think it's --

5 MR. DEFFET: Sure. You want me to go -- oh,  
6 here we -- well, it's got this date and then the last  
7 page has a different date. You want me to go to the  
8 last page?

4:02:26

9 MR. BLASER: Yeah. Let me take a look at it.  
10 I -- I thought this was the only date. So.

11 MR. DEFFET: The signing --

12 THE WITNESS: I --

13 MR. DEFFET: -- date.

14 MR. BLASER: Oh, the signing date. Yeah, and  
15 go back to the effective date.

4:02:36

16 MR. DEFFET: Right there?

17 BY MR. BLASER:

18 Q. Mr. Murray, do you see here on the screen it  
19 says this agreement was made and entered into November  
20 27th, 2019, between Piramal Glass, identified as  
21 shipper, and Murray Brothers, LLC, identified as  
22 carrier?

4:02:54

23 A. Yes, sir.

24 Q. My question is, none of the specific  
25 provisions in this agreement were in effect prior to

Page 236

1 this date of November 27th, 2019. Is that correct? 4:03:09

2 MR. DEFFET: Objection. Mischaracterization  
3 of prior testimony.

4 THE WITNESS: That's correct.

5 BY MR. BLASER:

6 Q. Okay. Is it fair to say that there was no  
7 written agreement that governed the contract for any  
8 business between Murray Brothers and Piramal prior to  
9 this November 27th, 2019, date? 4:03:29

10 A. None that I can recall.

11 Q. So the agreement was an agreement of -- of  
12 understanding but it wasn't actually written down  
13 anywhere.

14 A. This is correct. 4:03:42

15 Q. Okay.

16 MR. DRISCOLL: Hey, Tim, stop sharing, will  
17 you, if we don't need it.

18 MR. DEFFET: Oh, sorry, sorry.

19 Just let me know if you want to go back,  
20 Tucker. 4:03:50

21 MR. BLASER: No.

22 BY MR. BLASER:

23 Q. And then your understanding of the  
24 relationship between Murray Brothers and Piramal prior  
25 to this agreement was one where Murray Brothers worked

Page 237

1 as an independent contract hauler for Piramal. Is that  
2 right?

4:04:01

3 A. That's correct.

4 Q. Okay. Is it fair -- strike that.

5 Has Murray Brothers been hauling loads for  
6 Piramal for about 15 years?

4:04:15

7 A. I'd say somewhere in there, yes, sir.

8 Q. Okay. Would you be able to tell me how many  
9 loads Murray Brothers hauled for Piramal over the  
10 course of 15 years?

4:04:25

11 A. Probably not. No --

12 Q. Okay.

13 A. -- sir.

14 Q. Would it be a fair estimate to say that it's  
15 thousands of loads that Murray Brothers has hauled for  
16 Piramal over this 15-year history?

4:04:37

17 A. I would say that very easily, yes.

18 Q. Okay. The accident that occurred on April  
19 29th, 2018, with Jimmie Dale Cox is the only time a  
20 Murray Brothers driver has ever been involved in an  
21 accident during the 15 years Murray Brothers has hauled  
22 loads for Piramal. Is that correct?

4:04:57

23 A. That is correct.

24 Q. The load that Jimmie Dale Cox was hauling for  
25 Piramal on April 29th, 2018, was going from Piramal's

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1 facility in Park Hills, Missouri to Neenah, Wisconsin?

2 Is that your understanding?

4:05:20

3 A. Yes. RGL warehouse in Neenah, Wisconsin,  
4 yes.

5 Q. You indicated that you've hauled loads for  
6 Piramal -- Piramal on this route. Is that fair?

7 A. Yes.

4:05:35

8 Q. How many times do you -- you -- would you say  
9 in your career you've hauled this load for Piramal?

10 A. Oh, just this one here?

11 Q. Sure.

4:05:45

12 A. Oh, I probably -- I probably only run two to  
13 three times.

14 Q. Okay. Do you know -- has Jimmie Dale Cox  
15 ever run this particular load prior to the -- the April  
16 29th, 2018, accident?

4:06:01

17 A. Yes, sir, quite a few times.

18 Q. Okay. So he had experience with the exact  
19 load that he was hauling on April 29th, 2018, prior to  
20 then.

21 A. Yes, sir.

4:06:14

22 Q. Is there any way to estimate how many times  
23 he would have -- have hauled this specific load for  
24 Murray Brothers, you know, going to the Piramal  
25 facility in Wisconsin?

4:06:32

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1 A. I'd say he's -- he probably hauled it 30, 40  
2 times he's probably been up there. Yeah, we went up  
3 there quite often for them. Through the years.

4:06:42

4 Q. Fair to say Murray Brothers believed Jimmie  
5 Dale Cox -- Jimmie Dale Cox was competent to haul the  
6 load he was hauling on the April 29th, 2018, date?

7 A. Yes, sir.

4:06:56

8 Q. Okay. At the time of the accident, is it  
9 correct that Murray Brothers had a satisfactory safety  
10 rating by the Federal Motor Carrier Safety Association?

11 A. They did.

4:07:09

12 Q. Okay. If Piramal had requested then Murray  
13 Brothers' safety rating under the Federal Motor Carrier  
14 Safety Association as of April 27th, 2018, it would've  
15 shown that Murray Brothers had a competent rating or a  
16 -- a satisfactory rating. Is that correct?

4:07:37

17 A. Satisfactory rating, yes, sir, we did.

18 Q. And if Murray Brothers had requested that you  
19 provide Jimmie Dale Cox's driving record on April 27th,  
20 2018, that driving record would've shown no prior  
21 accidents involving injury to another person. Is that  
22 correct?

4:07:59

23 A. That would be correct.

24 MR. DEFFET: Objection. Mischaracterization  
25 of prior testimony.

Page 240

1 BY MR. BLASER:

2 Q. Murray Brothers owned the Peterbilt and  
3 utility trailer that were involved in the accident on  
4 April 29th, 2018, correct?

4:08:14

5 A. This is correct.

6 Q. Murray Brothers was responsible for the  
7 maintenance of the Peterbilt and utility trailer  
8 involved in the accident?

9 MR. DRISCOLL: Objection. Form --

10 THE WITNESS: Yes.

11 MR. DRISCOLL: -- foundation.

4:08:24

12 BY MR. BLASER:

13 Q. I'm sorry. I didn't get your answer.

14 A. Yes.

15 Q. And Piramal was in no way responsible for  
16 maintaining the Peterbilt or utility trailer involved  
17 in the accident on April 29th, 2018. Correct?

4:08:37

18 MR. DEFFET: Objection. Calls --

19 MR. DRISCOLL: Objection.

20 MR. DEFFET: -- for a legal conclusion.

21 MR. DRISCOLL: Misstates previous testimony.

22 THE WITNESS: No.

4:08:45

23 BY MR. BLASER:

24 Q. Jimmie Dale Cox was an employee of Murray  
25 Brothers at the time of the accident?

Page 241

1 A. Yes.

4:08:55

2 Q. Jimmie Dale Cox received his paycheck from  
3 Murray Brothers at the time of the accident?

4 A. Yes.

5 Q. For the load in question, Jimmie Dale Cox  
6 received his instructions from Murray Brothers.

4:09:07

7 THE WITNESS: This is --

8 MR. DRISCOLL: Objection.

9 THE WITNESS: -- correct.

10 MR. DRISCOLL: Form, foundation.

11 BY MR. BLASER:

12 Q. For the load in question, Jimmie Dale Cox  
13 determined the route he chose to take to haul the load.  
14 Is that correct?

4:09:17

15 A. Correct.

16 Q. For the load in question, Piramal did not  
17 have any -- strike that.

18 For the load in question, Piramal did not  
19 select Jimmie Dale Cox as the driver for Murray  
20 Brothers who would haul this load.

4:09:37

21 MR. DRISCOLL: Objection. Form --

22 THE WITNESS: That's --

23 MR. DRISCOLL: -- foundation, misstates the  
24 prior testimony.

25 THE WITNESS: That is correct.

4:09:43

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1 BY MR. BLASER:

2 Q. You mentioned earlier that you haul for other  
3 motor carriers aside from Piramal. Is that -- I keep  
4 saying you. Strike that.

4:10:06

5 You -- you testified earlier that Murray  
6 Brothers hauls for other motor carriers aside from  
7 Piramal. Is that correct?

8 A. That's correct.

9 Q. Are these companies acting under their  
10 authority as a motor carrier when Murray Brothers hauls  
11 loads for them?

4:10:26

12 MR. DRISCOLL: Objection. Form, foundation.

13 THE WITNESS: Like rephrase -- what are you  
14 -- what are you trying to -- what -- what are we  
15 asking?

4:10:38

16 BY MR. BLASER:

17 Q. Well, I guess my question is that you  
18 testified earlier that Murray Brothers hauls loads for  
19 other companies that have motor carrier authority,  
20 correct?

4:10:51

21 A. This is correct.

22 Q. And my question is during these occasions, is  
23 that company acting under their motor carrier  
24 authority, or is the motor carrier under those  
25 occasions Murray Brothers?

4:11:09

1 MR. DRISCOLL: Objection.

2 THE WITNESS: Murray --

3 MR. DRISCOLL: Form, foundation.

4 THE WITNESS: Murray Brothers is acting under  
5 their motor carrier.

6 BY MR. BLASER:

7 Q. Okay. And just to confirm, on -- on these  
8 occasions where you're hauling for companies that have  
9 motor carrier authority, these companies never asked  
10 Murray Brothers to provide an accident history, an out  
11 of service average, drivers' histories or a driver's  
12 motor vehicle history report, or any safety policies  
13 and procedures of Murray Brothers.

4:11:43

14 A. Never.

15 Q. At the time of this accident, April 29th,  
16 2018, how many trucks did Murray Brothers own?

17 A. How many trucks did we have at the time?

4:12:00

18 Q. Yeah.

19 A. Eight.

20 Q. Okay. How many drivers? At the time.

21 A. We had eight drivers at the time.

4:12:10

22 Q. There was some talk earlier about out of  
23 service averages, the -- the rating under the Federal  
24 Motor Carrier Safety Act. Do you know how they compile  
25 those -- those out of service averages?

4:12:23

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1 A. Well, I believe it's how many times you get  
2 pulled over, how many violations you have, and then  
3 they divide it by how many trucks that you have.

4 Q. Okay.

4:12:33

5 A. Trucks and drivers. Yeah.

6 Q. So if you had --

7 A. So on a small -- on a small scale, you know,  
8 if you -- if -- a small fleet. If they get pulled over  
9 a couple times, it looks worse than a company that has  
10 1500 trucks and they get pulled over, you know, a  
11 hundred times.

4:12:50

12 It's going to look worse for a guy that gets  
13 eight trucks and gets pulled over two times. It's  
14 going to look worse. It's -- it goes on a percentage  
15 of how many trucks you have. And how many times you  
16 get pulled over. With violations.

4:13:05

17 Q. That's exactly what I was -- what I was  
18 getting at, officially clarify. At this time, those  
19 are all the questions that I have for you. So thank  
20 you very much for your time and sticking it out for us.

4:13:16

21 A. Thank you.

22 MR. HENDERSON: Does anyone else have  
23 anything?

24 MR. DEFFET: I have some follow-up, but I  
25 don't know if defense wants to do some questions first.

4:13:27

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1 MR. WILKE: I -- I -- this --

2 MR. HENDERSON: Are you --

3 MR. WILKE: -- is James Wilke. I don't have

4 any questions. Thank you very much, Lee.

4:13:32

5 MR. DEFFET: Okay.

6 THE WITNESS: Thank you.

7 MR. HENDERSON: I can just do mine at the end

8 when you guys are done with yours.

9 MR. DEFFET: Who was that? Sorry. I can't

10 see everybody.

4:13:39

11 MR. HENDERSON: Nathan --

12 MR. DRISCOLL: That was --

13 MR. HENDERSON: -- Henderson.

14 MR. DRISCOLL: -- Nathan.

15 MR. DEFFET: Okay, okay. So I can go ahead

16 for a few more?

4:13:45

17 MR. HENDERSON: Yeah, that's fine. Go ahead.

18 MR. DEFFET: Okay, okay.

19 REDIRECT EXAMINATION

20 BY MR. DEFFET:

21 Q. Mr. Murray, in regard to filling out any  
22 forms after the accident, you were asked a little bit  
23 about Piramal, but I don't think you were directly  
24 asked about anything you submitted to your insurance  
25 company.

4:14:02

1 Did you submit anything in writing to your  
2 insurance company regarding the incident?

3 A. A police report, sir. The traffic --

4 Q. You submitted --

5 A. -- police --

6 Q. Okay.

7 A. -- report. Traffic --

4:14:13

8 Q. What about --

9 A. -- crash.

10 Q. -- your statement about what happened and  
11 your discussion with Jimmie Dale Cox?

12 A. Did I discuss with my insurance company? No,  
13 I did not.

4:14:23

14 Q. You didn't -- you didn't write anything down  
15 for your insurance company regarding your conversations  
16 with Jimmie Dale Cox?

17 A. I -- everything I had I sent to them from the  
18 traffic accident, sir.

4:14:35

19 Q. But what did you send them?

20 A. The -- like the ticket and stuff that he got.

21 I sent that to them. And the traffic -- and the

22 traffic report. The highway patrol report.

4:14:48

23 Q. Did Jimmie Dale Cox give you anything in  
24 writing or email or text?

25 A. No, sir.

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1 Q. You did not record anything in writing and  
2 give it to your insurance company? 4:14:59

3 A. No, sir.

4 Q. How did you make a claim?

5 A. I just called it in, sir.

6 Q. And did you get a document back to fill out  
7 once you made the claim? 4:15:12

8 A. I do not recall, no, I don't believe I did.

9 Q. Did anyone for your company or anyone working  
10 with your company get a document to fill out that you  
11 helped them fill out? 4:15:23

12 A. Not that I would know of.

13 Q. What does that mean, not that you know of?

14 A. That I mean I don't -- I don't know. Maybe  
15 they did it but I didn't know nothing about it. 4:15:33

16 Q. Okay. Well, as we said earlier, you are the  
17 corporate representative for your company today, and  
18 you're supposed to review documents in advance. 4:15:41

19 So you have to give me --

20 A. Well, I didn't see -- I did not see them,  
21 sir.

22 Q. Did you talk to somebody who filled something  
23 out that was submitted to your insurance company? 4:15:50

24 A. I did not.

25 Q. Jimmie Dale Cox did not fill out anything in

Page 248

1 writing that was given to you, other employees,  
2 Piramal, or your insurance company.

4:16:00

3 MR. HENDERSON: Objection --

4 THE WITNESS: No.

5 MR. HENDERSON: -- asked and answered.

6 THE WITNESS: No --

7 BY MR. DEFFET:

8 Q. What was --

9 A. -- sir.

10 Q. -- the answer?

4:16:04

11 A. No, sir.

12 Q. Did Jimmie Dale Cox file a workers'  
13 compensation claim on this case?

14 A. Yeah, I think he went to the -- he went to  
15 the hospital, and I think workmen's comp paid his  
16 hospital bills. Yes.

4:16:20

17 Q. Does he have an active workers' compensation  
18 case against you?

19 A. No, sir, he does not.

20 Q. Did you settle a comp -- a workers' comp case  
21 with him on this?

4:16:31

22 A. I think they just paid his hospital bills,  
23 sir.

24 Q. He had a broken foot, right?

25 A. In this wreck? No --

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1 Q. Yes.

2 A. -- sir.

3 Q. No? Okay.

4:16:42

4 A. He had a -- he had a broken foot but it was  
5 from years ago, I think. It -- it was nothing to do --  
6 no, he did not get a broken foot out of this wreck.

7 No, sir.

4:16:50

8 Q. Okay. So you're not sure whether he has an  
9 open work comp claim or not?

10 MR. HENDERSON: Objection. Mischaracterizes

11 --

12 THE WITNESS: I --

13 MR. HENDERSON: -- testimony.

14 THE WITNESS: He does not have a workmen's  
15 comp claim open, no, he does not.

4:17:00

16 BY MR. DEFFET:

17 Q. Okay. Did he file an occupational accident  
18 claim?

19 A. That's -- yes. For his hospital bills. Yes.

20 Q. Okay. And who has that policy?

4:17:11

21 A. It'll be Missouri -- the Missouri -- it's

22 MEM. Missouri Mutual.

23 Q. It's a different --

24 A. It's Missouri --

25 Q. -- insurance company than involved here so

Page 250

1 far?

4:17:24

2 A. Yeah. MEM. Missouri Employment Mutual.

3 Q. And do you know what the claim number is?

4 A. I do not, not unless it's in here. I don't

5 know. I don't know what the claim number is. No.

4:17:39

6 Q. Okay. You can get that --

7 A. I do not.

8 Q. -- to your attorneys?

9 A. I could probably get that to my attorneys,  
10 yeah.

11 Q. Okay.

12 MR. HENDERSON: We'll get that --

4:17:45

13 BY MR. DEFFET:

14 Q. So right now --

15 MR. DEFFET: What -- what was that?

16 MR. HENDERSON: I said we'll get that and  
17 pass it on to you.

18 MR. DEFFET: Thank you. Okay.

4:17:51

19 BY MR. DEFFET:

20 Q. So right now there's no filed Department of  
21 Labor claim at Missouri for Jimmie Dale Cox?

22 A. No, sir.

4:18:00

23 Q. Have you made an offer to resolve his claim  
24 for injuries?

25 A. Ask that again, sir?

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1 Q. Have you made an offer to resolve his claim  
2 for injuries?

3 MR. HENDERSON: Objection. Asked and  
4 answered.

4:18:14

5 THE WITNESS: Well, I don't believe there was  
6 no injury. He just went to the hospital to get stuff  
7 checked out and stuff, and then they paid his hospital  
8 bills far as I know.

4:18:22

9 BY MR. DEFFET:

10 Q. Have you made an offer to resolve his claim?

11 A. No, sir.

12 Q. Has he given a statement to --

13 A. There was --

14 Q. -- MEM?

15 A. There was no claim to resolve is what I'm  
16 saying, sir.

4:18:34

17 Q. Has he given a statement to MEM?

18 A. I -- yes, I guess he did.

19 Q. Okay. When did he do that?

20 A. Probably would've been about in May of 2018.

4:18:46

21 Q. And do you have that in your records?

22 A. I do not.

23 Q. Why not?

24 A. I just don't have it.

4:18:56

25 Q. It hasn't been shared with you?

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1 MR. HENDERSON: Objection. Argumentative,  
2 calls for speculation, lacks foundation.

3 THE WITNESS: No.

4 BY MR. DEFFET:

5 Q. How do you know it existed then? 4:19:05

6 A. Just going off -- I guess it was existed.  
7 Jimmie went -- Jimmie got his hospital bill -- bills  
8 paid, he told me, so I just figured it was all settled  
9 done. 4:19:15

10 Q. When's the last time you spoke to him about  
11 it?

12 A. Probably in May of 2018.

13 Q. Did you submit any claim forms after he made  
14 the claim for -- for that injury? 4:19:30

15 A. No, sir.

16 Q. Is this a policy that you require your  
17 drivers to -- to purchase themselves?

18 A. No. It's through Murray Brothers. It's work  
19 -- it's regular Missouri workmen's comp insurance, sir. 4:19:44

20 Q. Okay. I know some -- some trucking companies  
21 try to make everybody an independent contractor, so I'm  
22 trying to make sure I understand this. So -- 4:19:52

23 A. No. He --

24 Q. -- did you --

25 A. He's an employee. He's not an employ -- he's

Page 253

1 not -- he's not a lease driver.

2 Q. Okay. So you're not denying he's employed,

3 and it was under your --

4:20:01

4 A. Oh.

5 Q. -- policy, your MEM policy, that he made a

6 claim.

7 A. Yes.

8 Q. Did you ever submit anything to the federal

9 motor carrier safety -- safety agency regarding this

10 accident?

4:20:24

11 A. I don't believe so, no.

12 Q. Are you required to report an accident with

13 this many injuries and property damage?

14 MR. HENDERSON: Objection. Calls for a legal

15 conclusion.

4:20:37

16 THE WITNESS: I would imagine it was already

17 reported by the State of Illinois.

18 BY MR. DEFFET:

19 Q. And aren't you required to respond and give

20 information to them?

4:20:48

21 MR. HENDERSON: Same --

22 THE WITNESS: I --

23 MR. HENDERSON: -- objections. Calls for

24 speculation, lacks foundation.

25 THE WITNESS: I would've given information

Page 254

1 anybody would've called.

4:20:56

2 BY MR. DEFFET:

3 Q. Don't you feel like you had a duty to report  
4 it under the law?

5 MR. HENDERSON: Same objections. Calls for a  
6 legal conclusion. Argumentative. Asked and answered.

4:21:07

7 MR. DEFFET: He did not answer that question.

8 BY MR. DEFFET:

9 Q. Do you feel you had a duty to report it under  
10 the law to the Federal Motor Carrier Safety  
11 Administration?

12 MR. HENDERSON: Same objections.

4:21:17

13 THE WITNESS: It was reported, sir. By the  
14 State of Illinois. To --

15 BY MR. DEFFET:

16 Q. Do you --

17 A. -- the federal government.

18 Q. -- feel you, for Murray Brothers, LLC, had a  
19 duty to report to this to the Federal Motor Carrier  
20 Administration?

4:21:31

21 MR. HENDERSON: Same objections.

22 THE WITNESS: No.

23 BY MR. DEFFET:

24 Q. So it wasn't that important to you that all  
25 these people got injured. You didn't think it needed

Page 255

1 investigating.

4:21:42

2 MR. HENDERSON: Objection. It's

3 argumentative, misstates his testimony.

4 THE WITNESS: I told you once before I

5 thought it was very important. My prayers, my heart,

6 and everything goes out to everybody that got hurt.

4:21:51

7 I'm very sorry for that. I don't know what

8 you want me to do.

9 BY MR. DEFFET:

10 Q. Well, when you hire a trucker with this

11 record and then you don't do any remedial training with

12 him, it doesn't really show that you're sorry about

13 what happened.

4:22:03

14 MR. HENDERSON: Same objection. Come on,

15 Counselor, move on.

16 THE WITNESS: Gentlemen -- sir, he's been

17 driving for 35 years. He's got a pretty good -- he's

18 got -- for as many miles as he's logged, he's got a

19 pretty good record. Far as I'm concerned.

4:22:16

20 BY MR. DEFFET:

21 Q. Do you feel pressure to testify in favor of

22 Piramal Glass because you want their business back?

23 A. No --

24 MR. HENDERSON: Objection.

25 THE WITNESS: -- sir.

4:22:25

1 MR. HENDERSON: Counselor --

2 MR. Blazer: Objection. Speculation,  
3 foundation.

4 BY MR. DEFFET:

5 Q. Okay. You do -- you do want to do more work  
6 for Piramal Glass, right?

4:22:33

7 A. I would.

8 Q. Okay. And in fact, wasn't Piramal Glass your  
9 main source of income for Murray Brothers, LLC,  
10 company?

11 MR. HENDERSON: This has all been covered,  
12 Counselor.

4:22:44

13 THE WITNESS: Yes.

14 BY MR. DEFFET:

15 Q. Okay. And what percentage of business did  
16 Piramal Glass give you before they terminated the  
17 relationship with you after the incident?

4:22:54

18 MR. HENDERSON: Objection. Vague.

19 THE WITNESS: I'd say probably 60 percent.

20 BY MR. DEFFET:

21 Q. You were running three or 400 loads a year  
22 and it was only 60 percent of your business?

4:23:06

23 A. Probably about 60 to -- yeah, 60, 65 percent,  
24 yeah.

25 Q. Okay. Who were the other carriers that you

Page 257

1 were running for?

2 MR. HENDERSON: Objection. Relevance. 4:23:15

3 THE WITNESS: We run for Trailboard. We --  
4 we broker loads -- we -- them's just loads going out.

5 We gotta come back -- we gotta come back every time. 4:23:23

6 BY MR. DEFFET:

7 Q. You -- I'm sorry. I didn't --

8 A. We gotta --

9 Q. -- catch the name. Running for who?

10 A. I said we -- we broke our loads coming back  
11 to Missouri. We go out for Piramal Glass and we gotta  
12 get loads coming back. So that -- 4:23:35

13 Q. Who are you get -- who are you getting the  
14 loads from?

15 A. Oh, probably about a hundred different  
16 companies.

17 Q. Can you name --

18 A. Because we broke --

19 Q. -- some of the carriers? 4:23:43

20 A. Landstar, Schneider, J.B. Hunt, Nolan  
21 Transportation, Dino Transportation. I don't know. I  
22 could -- BNSF Logistics. Rangeline. It's -- there's  
23 quite a few of them out there. 4:24:06

24 Q. Okay. Bear with me. I maybe got one or two  
25 more questions. Then you're done.

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1 In your answers to Plaintiff Martinez's  
2 supplemental discovery issued to me on August 27th,  
3 '20, on page 4, in request No. 5 -- here, I'll pull --  
4 I'll pull it up. 4:24:34

5 Can you see that on the screen?

6 A. I do now.

7 Q. Okay. Give me a second here. In No. 5, it  
8 asks about contacting other people here. 4:25:01

9 And it says -- do you see where I'm waving?  
10 I says April 30, 2000 -- April 30th, 3019?

11 A. Yes.

12 Q. Okay. That was a misprint, right? It -- it  
13 was April 30th, 2018? 4:25:14

14 A. Exactly. Yes.

15 Q. Okay, okay. Earlier you were -- you were  
16 discussing the bill of lading. Isn't it true that  
17 Piramal Glass's carrier number is listed on the bill of  
18 lading? 4:25:44

19 A. Yeah.

20 Q. Okay. If they weren't acting as a carrier in  
21 that transaction when -- then why would they list their  
22 carrier number? 4:25:55

23 MR. HENDERSON: Objection. Speculation.

24 THE WITNESS: I don't understand what --  
25 rephrase? What -- what are you asking about the

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1 carrier number?

2 BY MR. DEFFET:

3 Q. Sure. In the bill of lading, when you were  
4 discussing that earlier, Piramal Glass had their  
5 carrier number listed on the bill of lading for April  
6 29, '18, right?

4:26:12

7 MR. BLASER: Objection. Foundation.  
8 Mischaracterizes.

9 MR. DEFFET: Can someone pull that --

10 THE WITNESS: The --

11 MR. DEFFET: -- up?

12 THE WITNESS: -- carrier --

13 MR. DEFFET: I don't have that --

14 THE WITNESS: The carrier -- I think the  
15 carrier number is Murray Brothers. That's our number  
16 in their system, I believe.

4:26:28

17 BY MR. DEFFET:

18 Q. There's two carrier numbers listed, I think,  
19 on the bill of lading. One is yours and one is Piramal  
20 Glass, isn't it?

21 MR. BLASER: Objection. Mischaracterizes,  
22 argumentative.

4:26:38

23 MR. DEFFET: Well --

24 MR. BLASER: Foundation.

25 MR. DEFFET: -- can someone pull it up for

Page 260

1 me, please? I'm sorry. I can't locate it.

2 THE WITNESS: We got it right here. 4:26:43

3 MR. DRISCOLL: I'll do it.

4 MR. DEFFET: Thanks. I appreciate it.

5 THE WITNESS: I only see one carrier number  
6 on here, sir.

7 BY MR. DEFFET:

8 Q. One second. I don't want to misstate  
9 something. I might be wrong. Okay? Just hang with me  
10 for a second. 4:26:55

11 A. All right. There's only carrier number I  
12 see.

13 MR. DEFFET: Oh, I'm sorry, Sean. Can you  
14 scroll down a little bit?

15 BY MR. DEFFET:

16 Q. Okay. So the 11638. Whose carrier number is  
17 that? 4:27:07

18 A. I would say that's probably Murray Brothers.  
19 I'm sure that's our number in their system.

20 Q. Okay, okay.

21 MR. DEFFET: Can you --

22 THE WITNESS: We're --

23 MR. DEFFET: -- scroll down a little bit?

24 Okay. You can stop share. I'm sorry. Okay. 4:27:25

25 BY MR. DEFFET:

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1 Q. Piramal Glass gave me some answers yesterday.  
2 Bear with me, because I really haven't had a chance to  
3 look at it real close. 4:27:52

4 I can't find it. Anyway. Do you -- do you  
5 recall what the agreements are with the containers with  
6 Piramal Glass? Is that only Larry Murray Trucking or  
7 do you also do that? 4:28:31

8 A. That -- that's Larry Murray Trucking only.  
9 Murray Brothers has nothing to do with the containers.

10 Q. Okay. You and Larry Murray Trucking both  
11 have the same phone number for your business, don't  
12 you? 4:28:42

13 A. Yes, sir.

14 Q. Okay. And whose number is that?

15 A. That's actually Larry's home number.

16 Q. Okay. And that goes to Murray Brothers, LLC,  
17 and Larry Murray Trucking, Inc., right? 4:28:56

18 A. Yes, it does.

19 Q. Okay. If you're two completely separate  
20 entities, why do you have the same phone number?

21 A. Larry -- Larry just rents trailers and that's  
22 it. Murray Brothers does the trucking. 4:29:13

23 Q. Okay. Where -- where are all the documents  
24 kept for -- for Larry Murray Trucking's corporate  
25 documents?

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1 MR. HENDERSON: Objection. Beyond the scope  
2 of the notice of this deposition, calls for  
3 speculation, lacks foundation. 4:29:25

4 MR. DEFFET: He's noticed up --

5 THE WITNESS: We would --

6 MR. DEFFET: -- as a fact and a 30(b)(6)  
7 witness, so he can testify.

8 THE WITNESS: You could -- 4:29:30

9 MR. HENDERSON: For Larry Murray Trucking.

10 THE WITNESS: You can ask -- you have to ask  
11 Larry Murray Truck -- Larry Murray about Larry Murray  
12 Trucking.

13 BY MR. DEFFET:

14 Q. I did ask -- 4:29:36

15 A. I don't --

16 Q. -- Larry Murray. Now I'm asking you to  
17 confirm what the story is so we can see if they jive.  
18 So where --

19 MR. HENDERSON: Same objections. 4:29:42

20 BY MR. DEFFET:

21 Q. -- are Larry Murray Trucking, Inc.'s  
22 documents kept?

23 MR. HENDERSON: Same objections. He's not  
24 here as a witness for Larry Murray Trucking. 4:29:49

25 THE WITNESS: How would I know where he keeps

Page 263

1 his records? I mean, that's for Larry Murray Trucking.

2 I --

3 BY MR. DEFFET:

4 Q. Both --

4:29:54

5 A. -- don't have nothing -- I have nothing to do  
6 with Larry Murray --

7 Q. Let me ask --

8 A. -- Trucking.

9 Q. -- the question, please. Murray --

10 A. Okay.

11 Q. -- Brothers, LLC, and Larry Murray Trucking  
12 keep their documents in the same basement, don't they?

4:30:04

13 A. Murray Brothers' documents are in the  
14 basement, yes.

15 Q. And Larry Murray Trucking is either in the  
16 garage in the same location or a basement in the same  
17 location. Right?

4:30:16

18 MR. HENDERSON: Same objections.  
19 Argumentative.

20 THE WITNESS: I'd say that's the very good --  
21 very good possibility, yes, I'd say, but I wouldn't say  
22 -- I wouldn't -- I couldn't tell you for sure.

4:30:25

23 BY MR. DEFFET:

24 Q. Okay. Why can't you tell me for sure?

25 A. Because I don't work --

1 MR. HENDERSON: Objection --

2 THE WITNESS: -- for Larry Murray Trucking.

3 BY MR. DEFFET:

4 Q. But it's your brother and you share the same  
5 location, the same phone address, correct?

4:30:37

6 A. This is true.

7 Q. Okay.

8 A. Yes.

9 Q. All right. And doesn't -- I'm sorry if I'm  
10 speaking to the wrong person, but isn't -- is it  
11 Larry's wife works both for your company and for Larry  
12 Murray Trucking, Inc.?

4:30:52

13 A. Yeah. She does both, yes.

14 Q. Okay. And she keeps the records for both  
15 companies, right?

16 A. That's -- she probably does some of that,  
17 yes.

4:31:04

18 Q. I mean, she does, right?

19 A. She does some of that, I'm sure.

20 Q. Well, what -- what are you not sure about?

21 A. I'm not sure what Larry Murray Trucking does.

4:31:15

22 Q. You don't -- okay. So what work does Larry  
23 Murray -- Murray's wife do for Murray Brothers, LLC?

24 A. She does the billing and stuff for us. She  
25 bills -- she does all the billing for us.

4:31:29

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1 Q. Okay. Where does she do the billing?

2 A. In -- in their basement in the office.

3 Q. And what's the location?

4 A. 3548 Rosener Road, Farmington, Missouri. 4:31:43

5 Q. And that's the location on the Secretary of  
6 State documents for Murray Brothers, LLC, right?

7 A. Yes, sir, it is.

8 Q. Okay. So your documents are kept at that  
9 location, right? 4:31:53

10 A. Yes, sir.

11 MR. HENDERSON: Asked and answered.

12 BY MR. DEFFET:

13 Q. That's also the corporate location for Larry  
14 Murray Trucking, Inc., correct? 4:32:00

15 A. Yes, sir.

16 Q. Okay. And is it true there's only one  
17 computer that both companies use to do the billing?

18 MR. HENDERSON: Objection. Mischaracterizes  
19 prior testimony. 4:32:10

20 THE WITNESS: True.

21 BY MR. DEFFET:

22 Q. And that's Larry Murray's wife. Correct?

23 A. Yes. 4:32:20

24 Q. And what is her full name? I'm sorry.

25 A. Karen Mur- -- Karen Faye Murray.

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1 Q. Okay. And who pays Karen Murray?

2 A. I ain't for sure she gets a check.

4:32:33

3 Q. Does she have ownership of any of the  
4 corporations? For the LLCs?

5 MR. HENDERSON: I'm going to object as calls  
6 for speculation to the extent you're asking about Larry  
7 Murray Trucking. And to the extent you're asking about  
8 Murray Bros. Trucking, that question's been asked and  
9 answered.

4:32:49

10 THE WITNESS: She has nothing to do with --  
11 she -- she has nothing to do with Murray Brothers, LLC.

12 BY MR. DEFFET:

13 Q. But she -- she --

14 A. On --

15 Q. -- does the billing for Murray Brothers, LLC,  
16 but you're saying she does not have an official  
17 corporate title?

4:33:03

18 A. No. I mean, she does the billing just to  
19 help out. I mean, I don't know if she draws the check  
20 or not. I don't really know if she does -- I really  
21 don't know if she does or not.

4:33:13

22 Q. And is that the same computer that the J.J.  
23 Keller logs were performed on?

24 A. Yes, sir.

25 Q. Okay. So all this went on on one computer

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1 for both corporations and the LLC -- all the billing,  
2 all the logging, all that stuff was done by one person  
3 working for both companies, right?

4:33:33

4 MR. HENDERSON: I'm going to object to the  
5 extent that he can't answer for what she did for Larry  
6 Murray Trucking.

7 THE WITNESS: I --

8 BY MR. DEFFET:

9 Q. Go ahead --

10 A. -- really can't --

11 Q. -- and answer, please.

4:33:40

12 A. I -- I really can't answer for what -- I  
13 don't know what she does for Larry. I'm sure she does  
14 a lot for him, but I mean, I can't sit here under oath  
15 and say what she does and not really being -- I don't  
16 really know.

4:33:52

17 Q. So when you were talking --

18 A. I know --

19 Q. -- about the ELD earlier, that was on her  
20 computer that you would do the ELD stuff. Right?

4:34:00

21 A. Hers or mine. Yeah, I have one at my house  
22 too.

23 Q. Okay. Is she the one that actually did the  
24 ELD training?

25 A. No, she is not.

4:34:12

1 Q. Okay. How did you train your drivers on  
2 those computers? Which computer were -- were they  
3 trained on?

4 A. Well, we didn't really use a computer, sir.  
5 We just used the ELD. What -- we went through J.J.  
6 Keller and had them to walk us through on their --  
7 well, they gave you a little tablet. 4:34:32

8 It's like a little tablet you hook to the  
9 device on the truck.

10 Q. Okay. So there was a -- there was a tablet  
11 that J.J. Keller came to work with you to train you on  
12 it? 4:34:43

13 A. Well, we had to buy it, yes. Uh-huh. And  
14 each --

15 Q. Okay.

16 A. -- truck had one.

17 Q. Okay. Who bought those? 4:34:50

18 A. Murray Brothers.

19 Q. Does Larry Murray Trucking and Murray  
20 Brothers, LLC, use the same bank accounts at all?

21 A. No, sir. 4:35:01

22 Q. And what company issues the checks to your  
23 workers?

24 A. Murray Brothers, LLC.

25 Q. Okay. What -- what payroll company does

Page 269

1 that?

2 A. Janice Neubrand does the checks. 4:35:17

3 Q. She does that for Larry Murray Trucking and  
4 Murray Brothers, LLC, right?

5 A. I don't know if she -- I don't know if she  
6 does it for Larry Murray. He don't have no employees. 4:35:26

7 Q. Well, he's a -- he -- he's the owner of the  
8 company, right?

9 A. Yeah, but he -- she wouldn't be coming in and  
10 doing a payroll check for nobody --

11 Q. Okay.

12 A. -- to no one, I mean. 4:35:37

13 Q. That's fair. But she does the -- the tax  
14 records and things like that for Larry Murray Trucking  
15 and Murray Brothers, LLC, right?

16 A. That's --

17 MR. HENDERSON: Objection.

18 THE WITNESS: -- correct. 4:35:45

19 MR. HENDERSON: Calls for speculation.

20 Counselor, is there an end to this? You -- you went  
21 for over three hours earlier. You said you had a few  
22 questions to follow up. 4:35:52

23 I don't hear any follow-up. I just hear you  
24 reasking your -- reasking questions that you've covered  
25 or irrelevant questions that you've left out of your

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1 first three hours. So I'd like it if you'd wrap this  
2 up at some point.

4:36:03

3 MR. DEFFET: Actually, under the Federal  
4 Rules, I can go at least eight hours, so if you'll  
5 kindly give me some patience here. I was given an  
6 avalanche of documents this week that were about three  
7 weeks late with hundreds of pages of documents.

4:36:18

8 I'm a solo practitioner. So he can sit and  
9 wait while I ask the questions. If you wanted me to --

10 MR. HENDERSON: Well --

11 MR. DEFFET: -- go through this in a timely  
12 fashion, maybe you should've served me the discovery in  
13 a timely fashion and not give me hundreds of pages of  
14 documents at 4 p.m. the night before a federal  
15 deposition. How about that?

4:36:36

16 MR. HENDERSON: Counselor, I promise you I  
17 didn't give you any documents the night before a  
18 deposition. So I --

19 MR. DEFFET: Well, maybe --

20 MR. HENDERSON: -- don't know what --

21 MR. DEFFET: -- you should learn what's been  
22 going on in this case. Let me finish my questions. I  
23 don't have that much longer to go.

4:36:47

24 MR. HENDERSON: That would be great. You  
25 said a half hour ago you had one or two. Let's go.

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1 MR. DEFFET: The relevancy is that both these  
2 companies are acting as the same company, and therefore  
3 they are both responsible for this accident.

4:36:59

4 That's the relevancy for the record.

5 MR. WILKE: This is James Wilke. Move to  
6 strike counsel's comments. It -- it --

7 MR. BLASER: Join.

8 MR. WILKE: -- irrelevant.

9 THE RECORDER: And who joined in that?

4:37:16

10 MR. DEFFET: Go -- go ahead. I'm done.

11 MR. WILKE: James Wilke joined in that.

12 MR. BLASER: And --

13 THE RECORDER: Okay. Thanks.

14 MR. BLASER: -- Tucker Blaser as well.

4:37:21

15 MR. HENDERSON: Nathan Henderson did not  
16 join. I want those comments on the record for me.

17 MR. DEFFET: That's great. I responded to  
18 the objection. So please go ahead. I'm done.

4:37:32

19 MR. DRISCOLL: You're done?

20 MR. HENDERSON: Oh, you're done?

21 MR. DEFFET: Yeah.

22 MR. DRISCOLL: Nathan, I'm going to have  
23 hopefully less than five questions. And I -- and it's  
24 for follow-up with Mr. Blaser.

4:37:42

25 MR. HENDERSON: I --

1 REDIRECT EXAMINATION

2 BY MR. DRISCOLL:

3 Q. Sir --

4 MR. HENDERSON: -- appreciate that.

5 MR. DRISCOLL: No, not a problem. 4:37:46

6 BY MR. DRISCOLL:

7 Q. Sir, counsel asked you questions as relates  
8 to operating authority and whether or not Piramal was  
9 acting under their operating authority. Do you recall  
10 that questioning? 4:37:57

11 A. Yes.

12 Q. Okay. I just want to clear something up real  
13 quick. It's your understanding that an employee means  
14 an individual other than an employer who's employed by  
15 an employer and who is in the course of his or her  
16 employment directly affects commercial motor vehicle  
17 safety. 4:38:20

18 Such term includes a driver of a commercial  
19 motor vehicle including an independent contractor while  
20 in the course of operating a commercial motor vehicle,  
21 a mechanic, and a freight handler. 4:38:32

22 Do you dispute that deposition -- or that --  
23 strike that.

24 Do you dispute that description of what an  
25 employee is pursuant to the federal motor carrier

1 regulations?

2 MR. BLASER: Objection.

3 THE WITNESS: No.

4 MR. BLASER: Vague --

5 BY MR. DRISCOLL:

6 Q. Okay. 4:38:44

7 MR. BLASER: -- compound. States a legal --

8 BY MR. DRISCOLL:

9 Q. So --

10 MR. BLASER: -- conclusion.

11 BY MR. DRISCOLL:

12 Q. -- can we agree, sir, that a federal motor  
13 carrier who employs independent contractors cannot  
14 obviate their responsibility or compliance with those  
15 regulations? True? 4:39:02

16 MR. BLASER: Objection. Calls for a legal  
17 conclusion, vague.

18 BY MR. DRISCOLL:

19 Q. My statement is true, isn't it?

20 MR. BLASER: Same objection.

21 BY MR. DRISCOLL:

22 Q. Sir? 4:39:11

23 A. True.

24 Q. Okay. And you -- you're not the one that  
25 decides whether or not Piramal is operating under their

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1 designated authority. True?

4:39:23

2 A. True.

3 Q. All right. I think it was four questions.

4 Mr. Murray, I appreciate your time. Thanks a lot.

4:39:31

5 A. Thank you.

6 MR. HENDERSON: Sean, I appreciate your  
7 efficiency.

8 MR. DRISCOLL: Yeah.

9 MR. HENDERSON: We're going to take five  
10 minutes, have me look at my notes, see if I have  
11 anything. If I do, we'll be outta here by 4:30, I  
12 think, so --

4:39:45

13 THE RECORDER: Going off the --

14 MR. HENDERSON: -- give me --

15 THE RECORDER: -- record --

16 MR. HENDERSON: -- a few to look --

17 THE RECORDER: -- at 4:11 p.m.

18 (Off the record)

19 THE RECORDER: We are back on the record at  
20 4:24 p.m.

4:39:52

21 THE WITNESS: Can you keep this?

22 MR. HENDERSON: This is Nathan Henderson on  
23 behalf of defendants. We do not have any questions at  
24 this time and we will reserve signature.

4:40:01

25 THE RECORDER: All right. Going --

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1 MR. DEFFET: James --

2 THE RECORDER: -- off record --

3 MR. DEFFET: James doesn't have any

4 questions, right? We're good?

4:40:06

5 MR. WILKE: I have no questions. No.

6 MR. DEFFET: Okay, okay.

7 THE RECORDER: All right. Going off the

8 record at 4:24 p.m.

9 (Off the record.)

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## 1 CERTIFICATION

2 I Allyson Pritchard do hereby certify that  
3 the foregoing transcript of said deposition is a true,  
4 complete and correct report of the entire testimony so  
5 given by said witness, together with such other matters  
6 and things as counsel for the parties present at the  
7 taking of said deposition desire to have appear of  
8 record.

9 I further certify that I am not counsel for,  
10 nor attorney for any of the parties to the aforesaid  
11 cause, nor am I related to any of the parties to the  
12 aforesaid cause, nor am I interested in any manner in  
13 the said cause or in its outcome.

14  
15  
16 Allyson Pritchard

17 October 30, 2020  
18